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In NCLA’s Bump-Stock Ban Case, U.S. Supreme Court Rules ATF Cannot Alter a Statute’s Meaning

Merrick B. Garland, Attorney General, et al. v. Michael Cargill

Washington, DC (June 14, 2024) – Today, the U.S. Supreme Court [ruled](#) 6-3 in the New Civil Liberties Alliance case of *Garland v. Cargill* that the Bureau of Alcohol, Tobacco, Firearms and Explosives’ unilateral bump-stock ban conflicts with the federal statute defining “machineguns.” ATF’s regulatory ban, which the U.S. Court of Appeals for the Fifth Circuit shot down early last year, reversed the agency’s own long-standing recognition that bump-stock-equipped firearms are not machine guns. NCLA commends the high court for permanently setting ATF’s ban aside, safeguarding the rights of our client Michael Cargill and hundreds of thousands of other Americans to be free from laws written by executive branch bureaucrats instead of elected members of Congress. We celebrate this historic victory with Jonathan Mitchell, who presented oral argument to the Supreme Court on NCLA’s behalf.

ATF issued a Final Rule in 2018 defining semi-automatic firearms equipped with bump stocks as “machineguns,” which federal law prohibits. The rule required Mr. Cargill, owner of Central Texas Gun Works in Austin, Texas, and an Army veteran—and every other bump-stock owner nationwide—to either destroy or turn in their legally purchased devices at risk of being convicted for owning an illegal machinegun. In January 2023, the *en banc* Fifth Circuit ruled in favor of Mr. Cargill. Today’s Supreme Court ruling affirms the Fifth Circuit, a decision consistent with a subsequent judgment by the U.S. Court of Appeals for the Sixth Circuit, and an earlier one from the Navy-Marine Corps Court of Criminal Appeals. It should also ensure victory for Clark Aposhian, whom NCLA represents on the same issue in a case in the U.S. Court of Appeals for the Tenth Circuit.

Congress adopted a statute banning machine guns in 1986, the terms of which do not cover bump stocks. ATF is not authorized to draft regulations expanding the reach of criminal laws beyond the scope of what Congress prohibited by changing the definition of a “machinegun.” This decision provides a commonsense reading of the definition that Congress enacted, which requires a machine gun to “automatically” fire multiple bullets “by a single function of the trigger.” A bump-stock-equipped rifle does not qualify because it fires only a single bullet for each function of the trigger, and it does not do so “automatically” but rather with additional manual inputs.

“ATF argues that a shooter using a bump stock must pull the trigger only one time to initiate a bump-firing sequence of multiple shots,” Justice Thomas wrote for the court. “This argument rests on the mistaken premise that there is a difference between the shooter flexing his finger to pull the trigger and pushing the firearm forward to bump the trigger against his stationary trigger. Moreover, ATF’s position is logically inconsistent because its reasoning would also mean that a semiautomatic rifle without a bump stock is capable of firing more than one shot by a ‘single function of the trigger.’ Yet, ATF agrees that is not the case [and] is thus at odds with itself.”

As the late Sen. Dianne Feinstein explained correctly when ATF first proposed this unlawful rule, the only way to ban bump stocks is for Congress to revise the statutory definition, not for an agency to contort that definition to arrive at a novel interpretation. Otherwise, agencies could conjure new crimes out of old laws, and citizens would have no way to predict the legality of their actions. NCLA thanks the Court for recognizing this danger.

NCLA released the following statements:

“Over five years ago I swore I would defend the Constitution of the United States, even if I was the only plaintiff in the case. I did just that.”

— **Michael Cargill, NCLA Client**

“NCLA is delighted that the Court has vindicated the principle that ATF does not have the power to rewrite criminal laws. The statute Congress passed did not ban bump stocks, and ATF does not have the power to do so on its own. This result is completely consistent with the Constitution’s assignment of all legislative power to Congress. Bump-stock opponents should direct any views at Congress, not the Court, which faithfully applied the statute in front of it.”

— **Mark Chenoweth, President and Chief Legal Officer, NCLA**

“Today’s decision is a major victory for the rule of law. The Court held that ‘machinegun’ should be interpreted as it was understood for 85 years following adoption of the National Firearms Act in 1934, not the politically inspired definition adopted by federal bureaucrats in 2018.”

— **Rich Samp, Retired Senior Litigation Counsel, NCLA**

For more information visit the case page [here](#) and watch the case video [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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