Friends of Liberty,

Recently, the Trump Adminstration has directed the DoJ and BATFE to reclassify so-called "bump stocks" as machineguns, thus rendering them illegal. This simple change is wildly illegal, unconstitutional, unprecedented, and we here in the Libertaian Party oppose it in no uncertain terms. Outlined below are many reasons why.

Firstly, the change was done at the Bureau level, rather than through the Legislative process. The language of the 1934 National Firearms Act, which is the act which originally defined what constitutes a "machinegun" under federal law, states that a machinegun is: "...any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger." The phrase "By a single function of the trigger" is what is key here, as the bump stock does not alter the trigger or fire control parts of the host firearm, but rather simply allows the natural recoil impulse of the fired cartridge to shift the rifle fore and aft in a linear motion, which allows the trigger of the semiautomatic firearm to reset before coming into contact with the trigger finger again. This distinction, while only a technicality, is still the letter of the law and has been since 1934, and is why the stocks had been previously ruled legal after scrutiny under the Obama Administration's ATF. Reclassifying a previously determined legal accessory as a "machinegun" with a simple rules change at the Bureau level rather than through amending the 1934 NFA, or writing and passing a new law, is unconstitutional.

Secondly, there is no "grandfather clause" written into the new rule change. Due to the nature of the Hughes Amendment, an 11th hour add-on to the 1986 Firearms Owners Protection Act, these bump stocks already in the hands of citizens, purchased legally, MUST now be destroyed or surrendered, lest the owners become felons overnight, subject to up to 10 years in prison and up to $100,000 in fines. The Hughes Amendment made the manufacture of new machineguns for civilian sales and transfer illegal after 19 May 1986, effectively closing the registry. Machineguns which had been manufactured and registered with the ATF prior to this date were grandfathered in, but any subsequently manufactured machineguns would thusly be rendered illegal for civilian sales and transfer. By reclassifying bump stocks as "machineguns", there is no legal way for owners to register and keep their currently owned property, as all bump stocks were manufactured well after the 1986 closure of the registry. This sort of "ex post facto" ruling constitutes a taking of property, and is therefore unconstitutional.

Thirdly, banning these accessories will have little to no impact on violent crime. To date, a bump stock has been used in the commission of precisely ONE violent crime, the Mandalay Bay Massacre in Las Vegas, NV. While the crime itself was very high profile, and atrocious in both its scope and the amount of casualties inflicted, it still constitutes the sole crime of it's type in which this device was used. We exist in a nation of laws, a republican system where those laws are put in place by a rigorous legislative process and upheld with strict scrutiny by a nine justice panel for the express purpose of ensuring that heated emotions of the day do not unduly influence our legal process. Allowing the banning of an item which is beleived to number in excess of one million, effectively making felons of good people overnight, by simple executive decree and a bureaucratic rules change, undermines the very fabric of our Constitutional Republican syastem, and is therefore unconstitutional.

Finally, banning these bump stocks accomplishes little from a practical standpoint as well. Many citizens will turn in or destroy their previously legal stocks, as most people are inherently good and wish not to run afoul of the law. Others will refuse to comply. Without a prior registry there is no way to determine who has what, as the bump stock was simply an accessory and therefore had no serial number or any kind of control placed upon it. All of this is, however, a moot point. A bump stock is not requisite to the sort of "simulated automatic fire" that a bump stock easily enables. It makes the process easier, of course, but a simple search on YouTube will reveal page after page of "bump firing" semiautomatic rifles, no bump stock needed. Bump firing a semiautomatic rifle is more a matter of technique than equipment, and while affixing a bump stock to a rifle certainly makes that process easier and allows a certain degree more control to the process, the same effect can be duplicated with rubber bands, pieces of string, the assistance of a belt loop on your pants, or simply holding the rifle a certain way and pulling it into your finger. It really is a simple (if somewhat unreliable) technique that can be accomplished by anyone with even the basest of knowledge in firearm function and simple physics. Banning the bump stocks is, therefore, not only unconstitutional, but patently foolish.

In closing, we in the Libertarian Party want just as much as anyone to be and feel safe. However, where we differ is in how we get there. We do not believe that knee-jerk, feel-good regulations that will demonstrably have little to no effect on actual crime and will make felons of otherwise good, law abiding ciizens is the way forward. We do not believe in undermining the republican processes enshrined in the world's longest serving Constitution for political expediency and bipartisanship. We do not believe that a Right which is specifically enumerated as being uninfringeable is subject to the heated emotional rhetoric of the day nor the democratic process.

We do believe in personal responsibility and market based solutions to problems. Ideally, those that wished to see the removal of bump stocks from the market would push for a full repeal of the 1986 Hughes Amendment and 1934 NFA, thus making them obsolete. Although neither of these things is likely to happen any time soon, those of us who simply want newly married gay farmers to protect their cannibis crops with automatic rifles can still dream. in the meantime, we here in the Libertarian Party will do all we can to defend all of your rights, all of the time, no matter how unpopular or politically inexpedient it may be.

Si Vis Pacem, Para Bellum  
Yours in Liberty,  
Dustin C. Hobbs