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Senator Tom Cotton Introduces RIFLE Act to Eliminate NFA Registration Fee

[In a Wednesday press release](#), Republican Senator Tom Cotton of Arkansas introduced S. 4344 — the [Repealing Illegal Freedom and Liberty Excises \(RIFLE\) Act](#) — which, if passed, would remove the \$200 registration fee imposed under the 1934 National Firearms Act (NFA).

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) receives more than 70,000 requests a month from gun owners seeking to have their firearms registered under the act. Apparently the \$200 fee to register

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their firearms in a national ATF gun registry isn't much of a deterrence today, but 90 years ago it was a major — and intended — deterrence.

Said Cotton:

Law-abiding Americans who exercise their Second Amendment rights should not be subject to unnecessary taxes and restrictions preventing them from doing so.

Passed into law in 1934, the National Firearms Act needs to be amended. Our legislation will remove the red tape that places an undue financial burden on would-be gun owners.

Rep. Ashley Hinson (R-Iowa) sponsored an identical bill in the House, [H.R. 790](#), reiterating:

The federal government should not be placing financial barriers on the inalienable rights of Americans.

This unconstitutional tax on certain firearm purchases is a direct violation of the Second Amendment and must be repealed.

The NFA was passed following the development of the Thompson submachine gun, which became the weapon of choice for gangsters of that era. Pressure for a national law restricting its ownership by private citizens began building following the St. Valentine's Day massacre on February 14, 1929. Five members of the North Side Gang headed up by "Bugs" Moran were murdered in a Chicago garage by members of a rival gang headed up by Al Capone. At least two "Tommy guns" were found at the scene.

Four years and one day later, on February 15, 1933, an Italian immigrant attempted to assassinate President-elect Franklin D. Roosevelt, just days before his scheduled inauguration. Although he used a pistol, not a Tommy gun, the attempt added impetus to the growing pressure to regulate firearms in the United States.

In June 1933, "Pretty Boy" Floyd was directly involved in a Kansas City massacre in a failed attempt to rescue "Jelly" Nash from federal authorities. Tommy guns were the weapons of choice in this incident.

The Tommy gun was a favorite among bootleggers, bank robbers, and gangsters, many of whose names still line the halls of infamy: Machine Gun Kelly, Bonnie and Clyde, John Dillinger, Baby Face Nelson, "Bugs" Moran, and Al Capone.

[United States v. Miller](#) was a 1939 appeal from a lower court that had ruled the NFA unconstitutional. Defendants Jack Miller and Frank Layton were indicted on charges of unlawfully transporting an unregistered shotgun across state lines, and they filed suit against the government claiming that the NFA violated their Second Amendment rights.

The Supreme Court, then infested with far-left liberals, punted. Eight of the nine justices (William O. Douglas didn't take part in the decision) reversed the lower court's decision, claiming that the NFA was intended not as a national registry of firearms, but as a "revenue-collecting" measure, and as such was constitutional.

In 1997, Supreme Court Justice Clarence Thomas (in [Printz v. United States](#)) wrote:

In *Miller* we determined that the Second Amendment did not guarantee a citizen's right to possess a sawed-off shotgun because that weapon had not been shown to be "ordinary military equipment" that could "contribute to the common defense."

The Court did not, however, attempt to define, or otherwise construe, the substantive right protected by the Second Amendment.

This no doubt is a surprise to many: *Miller* didn't declare the NFA constitutional on the basis of the Second

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Amendment, but only on the basis that it was a revenue-generating move.

If one removes that income-generating motive, then the NFA is naked in front of the charge that it violates the Second Amendment. That's why Oliver Krawczyk, a constitutional lawyer specializing in Second Amendment law, [called](#) Cotton's and Hinson's bills "a step in the right direction."

H.R. 790 currently has [43 co-sponsors](#), while the following senators are co-sponsoring S. 4344:

John Barrasso (R-Wyoming), Marsha Blackburn (R-Tennessee), John Cornyn (R-Texas), Kevin Cramer (R-North Dakota), Steve Daines (R-Montana), Deb Fischer (R-Nebraska), Cynthia Lummis (R-Wyoming), Roger Marshall (R-Kansas), Markwayne Mullin (R-Oklahoma), Pete Ricketts (R-Nebraska), Marco Rubio (R-Florida), and Rick Scott (R-Florida)