



Victory for Gun Owners: Frames and Receivers Are NOT Firearms!

A federal district court judge made permanent on June 30 his temporary restraining order against the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) concerning parts of a firearm that the rogue agency declared were now firearms.

In [VanDerStok v. Garland](#), Judge Reed O'Connor (nominated by President George W. Bush) of the U.S. District Court for the Northern District of Texas vacated permanently the ATF's attempt to redefine parts of a firearm into a firearm itself.



O'Connor was clear:

A part that has yet to be completed or converted to function as [a] frame or receiver is *not* a frame or receiver. ATF's declaration that a component is a "frame or receiver" does not make it so....

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In sum, there is a legal distinction between a weapon parts kit, which may be an aggregation of partially manufactured parts not subject to the agency's regulatory authority, and a "weapon" which "may readily be completed [or] assembled . . . to expel a projectile."...

Because the Final Rule purports to regulate both firearm components that are not yet a "frame or receiver" and aggregations of weapon parts not otherwise subject to its statutory authority, the Court holds that the ATF has acted in excess of its statutory jurisdiction by promulgating it.

He "vacated" the rule the ATF sought to promulgate:

[Declaring the rule null and void] is appropriate given the Court's conclusion that the ATF



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has exceeded its statutory authority.

An illegitimate agency action is void [from the very beginning] and therefore cannot be remanded [to a lower court] as there is nothing for the agency to justify....

The Court grants [the plaintiffs'] motions for summary judgment ... and vacates the [ATF's] Final Rule.

The ATF immediately appealed O'Connor's ruling to the Fifth Circuit, where rulings against the ATF have become almost commonplace.

The ATF changed its definition last summer of what constitutes a firearm after 45 years of refusing to do so. It was merely following orders from Joe Biden, the gun-banner-in-chief.

The judgment of the lawsuit, supported in part by the Firearms Policy Coalition (FPC), was celebrated by senior attorney Cody Wisniewski: "With this decision, the Court has properly struck down ATF's rule and ensured that it cannot enforce that which it never had the authority to publish in the first place."

FPC's vice president of communications, Richard Thomson, properly called the ATF tyrannical:

This is a monumental victory against the tyrannical ATF. [We] have argued that this rogue agency has unlawfully attacked gun owners in this latest round of "rulemaking" and we are grateful to see the Court agree.

In December, the Sixth Circuit Court of Appeals ruled that "bump stocks" cannot be classified as machine guns, as the ATF had declared. In January, the Fifth Circuit Court of Appeals likewise declared that the ATF's ban on bump stocks was illegal. In May, the Fifth Circuit Court issued an injunction against the ATF over its pistol-brace rule.

And later in May, the U.S. District Court for the Southern District of Texas also declared that the ATF's rule on pistol braces (turning a rifle fitted with one into a machine gun) was an example of the agency's overreach.

Lest readers become complacent over these recent and continuing rulings against the ATF, they should remember that the agency remains a threat to gun owners and gun-shop owners. *The New American* reported in June how the ATF joined forces with the IRS to storm into Adventure Outdoor, one of the largest gun dealers in the Southeast, demanding all of its records (Form 4473s). The raid extended to other gun stores in Georgia as well, and even into Montana, where they descended in force on Highwood Creek Outfitters in Great Falls.

In that raid, IRS agents confiscated all the store's Form 4473s, while the ATF "lent support."

When Congressman Matt Rosendale (R-Mont.) learned of the raid, he demanded answers from the ATF and the IRS, including why the IRS wanted those Form 4473s. He asked: "Do the ATF and IRS believe it was within the legal rights of the IRS to take Highwood Creek Outfitters' 4473s?"

He is still waiting to hear back from the agencies.

Celebrate the recent court victories — but remember that these are small victories in the larger war to remove all privately owned firearms from Americans.

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