



Written by [Bob Adelman](#) on August 27, 2024

## Pro-gun Groups File Friendly Brief in “Frames and Receivers” Case to the Supreme Court

The Gun Owners of America (GOA) and its sister organization, Gun Owners Foundation (GOF), [filed an \*amicus curiae\* brief](#) with the Supreme Court last week in *Garland v. VanDerStok*, asking it to affirm lower courts’ rulings against the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

Despite being slapped down for its blatant overreach in its declaration that parts of a firearm — namely, frames and receivers — are themselves firearms that subject its owners to registration with the agency, the issue is far from dead.



### No Victory Is Permanent

*The New American* declared that the ruling from Judge Reed O’Connor of the U.S. District Court for the Northern District of Texas that made permanent his injunction against the ATF [was a victory](#). But there is no such thing as a permanent victory. “Eternal vigilance is the price of liberty,” and so it is in that long war being waged against precious rights by would-be tyrants.

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The ATF appealed that decision to the Fifth Circuit Court, which affirmed the lower court’s ruling. But in April, the Supreme Court announced it would take up the case, and GOA and its sister GOF filed a supportive brief to the high court, asking it to affirm the Fifth Circuit Court’s ruling.

Judge O’Connor was clear in his initial ruling:

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....

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.

That’s precisely the case that the GOA and GOF are making in their brief: “Unfinished precursors of firearms cannot simultaneously be firearms themselves.” Thus, “ATF exceeded its lawful authority in the promulgation of this rule.”



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## National Gun Registry

And it reminded the High Court of the motive behind the rule: “the Biden-Harris Administration’s ultimate goal with this rule is to force everyone to serialize every firearm they own, which is a necessary step for the ATF to build [its] comprehensive gun registry.”

This is itself a precursor to gun confiscation.

Erich Pratt, GOA’s senior vice president, said:

We are proud to have been involved in the legal fight against this rule from the beginning and are thrilled that the Supreme Court is hearing the case.

The Biden-Harris ATF is waging war on the Second Amendment, and we can’t allow them to win an inch.

And Sam Paredes, speaking for the GOF, added:

Despite the temper tantrum from the anti-gun movement about so-called “ghost guns,” Americans have a right to manufacture their own homemade firearms.

We have worked closely with our partners in opposition to this rule from the start and hope that SCOTUS will again make clear the ATF strayed well beyond its legal authority in drafting this rule.

## Rogue Agency

The brief shreds the ATF for straying “well beyond its legal authority”:

The statutory text does not reach unfinished frames or receivers or weapons parts kits.

[The ATF] misstates the ease with which one may complete a functional “80%” firearm.

[The ATF] downplays the rule’s expansion ... by incorrectly suggesting [that] the rule merely codifies previous practice.

A ruling in favor of [the ATF] will sanction [its] widespread criminalization of semi-automatic rifles as “readily convertible” [into] machine guns.

The rule is just one [more] step in the administration’s broader scheme to create a forbidden registry of gun owners, susceptible to future [firearms] confiscation.

The brief excoriates the ATF for its overreach:

When the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) promulgated its 2022 “frame or receiver” rule at the President’s behest, the agency promised such action would “clarify” federal firearms law.

True to ATF form, the Rule did no such thing...

Ultimately, this Court should view the Rule within the context of the current administration’s firearms policy. The Rule is just one step in an unspoken but evident plan to subvert the Firearms Owners’ Protection Act and create a registry of all American gun



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owners.

Affirming the Fifth Circuit will protect gun owners from the harms that await under a future administration hostile to the Second Amendment.

The High Court is scheduled to hear the case this fall, with its final ruling expected in June 2025.

Related article:

[Victory for Gun Owners: Frames and Receivers Are NOT Firearms!](#)



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