Nos. 22-976

In the

Supreme Court of the United States

MERRICK B. GARLAND, ATTORNEY GENERAL, ET AL.,
Petitioners,
v.
MICHAEL CARGILL,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

AMICUS CURIAE BRIEF OF THE BUCKEYE INSTITUTE IN SUPPORT OF RESPONDENT

David C. Tryon
Counsel of Record for Amicus Curiae
Alex M. Certo
The Buckeye Institute
88 East Broad Street
Suite 1300
Columbus, OH 43215
(614) 224-4422
D.Tryon@BuckeyeInstitute.org

QUESTIONS PRESENTED

Federal law restricts access to machineguns. A "machinegun" is defined as "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," as well as a "part designed and intended solely and exclusively * * * for use in converting a weapon into a machinegun." 26 U.S.C. 5845(b). A "bump stock" is a device designed and intended to permit users to fire a semiautomatic rifle quickly.

The question presented is whether a bump stock is a "machinegun" as defined in 26 U.S.C. 5845(b).

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INTEREST OF *AMICUS CURIAE*[1]

Amicus Curiae, The Buckeye Institute, was founded in 1989 as an independent research and educational institution—a think tank—to formulate and promote free-market policy in the states. The Buckeye Institute accomplishes the organization's mission by performing timely and reliable research on key issues, compiling and synthesizing data, formulating free-market policies, and marketing those public policy solutions for implementation in Ohio and replication across the country. The Buckeye Institute assists executive and legislative branch policymakers by providing ideas, research, and data to enable lawmakers' effectiveness in advocating free-market public policy solutions. The Buckeye Institute is a non-partisan, nonprofit, tax-exempt organization, as defined by I.R.C. § 501(c)(3).

Through its Legal Center, The Buckeye Institute works to restrain governmental overreach at all levels of government. In fulfillment of that purpose, The Buckeye Institute files lawsuits and submits *amicus* briefs. As it relates to this case, The Buckeye Institute's Legal Center actively addresses issues relating to administrative law, overcriminalization, and the constitutional right to keep and bear arms.

SUMMARY OF ARGUMENT

When Congress defined the term machinegun,

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[1] Pursuant to Supreme Court Rule 37.6, no counsel for any party authored this brief in whole or in part and no entity or person, aside from *amicus curiae*, made any monetary contribution toward the preparation or submission of this brief.

it did so in a straightforward, unambiguous way. However, because of the ATF's new interpretation of the term "machinegun" to include bump stocks, the courts of appeals have struggled to agree on whether the definition is ambiguous or unambiguous, and what is the best interpretation of the definition. If the Court finds ambiguity in the definition, it should apply the rule of lenity in interpreting the definition.

The rule of lenity—strictly construing a criminal statute against the government—is a time-honored judicial doctrine. Its application to ambiguous rules ensures that regulated parties have fair notice of what the law requires of them. The rule is especially important in the age of over-criminalization, largely created through agency rule making. Indeed, there are likely about 300,000 regulatory crimes that Congress never enacted. Criminalizing behavior via regulation is particularly offensive when agencies reverse themselves—as was done here—creating a crime when they previously said there was none. Finally, the Court should be especially vigilant in applying the rule of lenity when—as here—fundamental constitutional rights are implicated.

As Justice Kagan succinctly stated, "[t]his Court has a rule for how to resolve genuine ambiguity in criminal statutes: in favor of the criminal defendant." *Lockhart v. United States*, 577 U.S. 347, 376 (2016) (Kagan, J., dissenting). So it should be here.

INTRODUCTION AND ARGUMENT

I. Introduction.

The meaning of the term "machinegun" would seem to be fairly straightforward to the average person. But just to be abundantly clear as to its meaning in the criminal context, Congress defined it as "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," as well as a "part designed and intended solely and exclusively . . . for use in converting a weapon into a machinegun . . . ." 26 U.S.C. 5845(b). That seems hard to confuse. Yet leave it to bureaucrats and lawyers to find "ambiguity where none exists," *C.R.S. by D.B.S. v. United States*, 11 F.3d 791, 803 (8th Cir. 1993), and where no one else can find it. But when they do, the law should be construed strictly against the government, not against the citizenry who may be criminally liable.

The rule of lenity has long been employed to protect individuals from criminal penalties where a rule or statute does not provide fair notice that his or her conduct is unlawful. Traditionally, it was also used to prevent the courts from imposing punishment that the legislature did not specify. However, given the growing number of administrative interpretations of ambiguous statutes, these same fair notice and separation of powers concerns apply to the executive branch imposing criminal punishment on conduct not expressly criminalized by Congress.

If, after employing the *traditional* rules of statutory construction—without giving any

unwarranted deference—the Court is unable to determine the meaning of "automatically" or "single function of the trigger" in the National Firearms Act (NFA), the Court should interpret that term utilizing the rule of lenity.

II. The Importance of the Rule of Lenity.

The rule of strictly construing penal statutes against the government—"better known today as the rule of lenity—first emerged in 16th-century England in reaction to Parliament's practice of making large swaths of crimes capital offenses . . . ." J*ohnson v. United States*, 576 U.S. 591, 613 (2015) (Thomas, J., concurring in the judgment).

> Courts relied on this rule of construction in refusing to apply vague capital-offense statutes to prosecutions before them. As an example of this rule, William Blackstone described a notable instance in which an English statute imposing the death penalty on anyone convicted of "stealing sheep, or other cattle" was "held to extend to nothing but mere sheep" as "th[e] general words, 'or other cattle,' [were] looked upon as much too loose to create a capital offence."

Id. at 614 (Thomas, J., concurring in the judgment) (quoting 1 *Commentaries on the Laws of England* 88 (1765)). Parliament responded in the proper way by passing another statute to clarify the ambiguity. *Id.* at 614 n. 2 (Thomas, J., concurring in the judgment).

The rule of lenity made its way to this Nation where "American courts—like their English

predecessors—simply refused to apply [vague laws] in individual cases under the rule that penal statutes should be construed strictly" against the government. *Id.* at 615 (Thomas, J., concurring in the judgment) (citing *United States v. Sharp*, 27 F.Cas. 1041 (C.C.Pa. 1815) (Washington, J.)). Unfortunately, Congress has not always followed its English predecessors in fixing ambiguity through new statutes. Instead, it often relies on executive agencies to sort out the ambiguity—and, it seems, it sometimes purposely implants ambiguity so the unaccountable agencies can do its bidding. See Br. of Amici Curiae U.S. Senators Sheldon Whitehouse, Mazie Hirono, Dianne Feinstein, & Elizabeth Warren in Support of Respondents at 7, *Loper Bright Enterprises v. Raimondo, Sec. of Comm.*, No. 22-451 ("Congress has long legislated against the backdrop of *Chevron* deference, which allows expert agencies . . . to implement [ambiguous] statutes passed by Congress.").

Agency unaccountability and "*Chevron* deference 'tempt[ ] Congress to let the hardest work of legislating bleed out of Congress and into the Executive Branch, since Congress knows judges will defer to agency interpretations of ambiguities and gaps in statutes Congress did not truly finish.'" *Egan v. Delaware River Port Auth.*, 851 F.3d 263, 279 (3d Cir. 2017) (quoting *The Chevron Doctrine: Constitutional and Statutory Questions in Judicial Deference to Agencies: Hearing before the H. Subcomm. on Regulatory Reform, Commercial and Antitrust Law of the Committee on the Judiciary*, 114th Cong. (March 15, 2016) (Prepared Statement of the Honorable Bob Goodlatte)). However, the rule of lenity prevents Congress from passing an ambiguous criminal statute

in the hopes that the unaccountable agencies will read it broadly.

"Each branch's role and responsibility with regard to criminal statutes is clear. First, '[o]nly the people's elected representatives in the legislature are authorized to make an act a crime.'" *Gun Owners of Am., Inc. v. Garland*, 992 F.3d 446, 464 (6th Cir. 2021) (quotation marks omitted) (quoting *United States v. Davis*, 139 S. Ct. 2319, 2325 (2019)), *reh'g en banc granted, opinion vacated*, 2 F.4th 576 (6th Cir. 2021), *and on reh'g en banc*, 19 F.4th 890 (6th Cir. 2021).

> Making something a crime is serious business. It visits the moral condemnation of the community upon the citizen who engages in the forbidden conduct, and it allows the government to take away his liberty and property. The rule of lenity carries into effect the principle that only the legislature, the most democratic and accountable branch of government, should decide what conduct triggers these consequences.

Carter v. Welles-Bowen Realty, Inc., 736 F.3d 722, 731 (6th Cir. 2013) (Sutton, J., concurring). See, *e.g.,* Paul J. Larkin, Jr., Chevron *and Federal Criminal Law*, 32 J.L. & Pol. 211, 235 (2017) ("The criminal law reflects underlying moral judgments that it is the responsibility of the people to make in a democracy. Agencies lack expertise in making these moral judgments; their skills lie elsewhere."). If "unelected commissioners and directors and administrators [are given] carte blanche to decide when an ambiguous statute justifies sending people to prison," then this

ideal of democratic accountability diminishes. *Carter*, 736 F.3d at 731 (Sutton, J., concurring). The rule of lenity, "the most venerable and venerated of interpretive principles," *id.* (Sutton, J., concurring), upholds this ideal.

Congress cannot skirt its responsibility by conferring its legislative authority to enact criminal laws to agencies via ambiguous statutes. The rule of lenity "vindicates the principle that only the *legislature* may define crimes and fix punishments. Congress cannot, through ambiguity, effectively leave that function to the courts—much less to the administrative bureaucracy." *Whitman v. United States*, 574 U.S. 1003, 1003 (2014) (statement of Scalia & Thomas, JJ., respecting the denial of certiorari). To the contrary, "[t]his Court has a rule for how to resolve genuine ambiguity in criminal statutes: in favor of the criminal defendant." *Lockhart*, 577 U.S. at 376 (Kagan, J., dissenting).

III. Individuals face grievous consequences from over-criminalization caused largely by unaccountable agencies' regulatory impositions.

In *City of Arlington Tex. v. F.C.C.*, Chief Justice Roberts observed that the "Framers could hardly have envisioned today's 'vast and varied federal bureaucracy' and the authority administrative agencies now hold over our economic, social, and political activities." 569 U.S. 290, 320 (2013) (Roberts, C.J., dissenting). "This problem did not always exist. The Framers were concerned that a voluminous criminal code was a threat to liberty . . . ." Paul J. Larkin, Jr, *Public Choice Theory and*

Overcriminalization, 36 Harv. J.L. & Pub. Pol'y 715, 725 (2013). "There are so many federal criminal laws that no one, including the Justice Department, the principal federal law enforcement agency, knows the actual number of crimes." *Id*. at 726.

Organizations of many stripes and philosophies agree that over-criminalization is a serious problem in America today.

> In February of [2014], the U.S. House of Representatives renewed the bipartisan task force it created to review the federal criminal code and the trend toward "over-criminalization;" groups who have testified in support of reform include the American Bar Association, the Heritage Foundation, and . . . the Judicial Conference of the United States and the Sentencing Commission.

United States v. Valdovinos, 760 F.3d 322, 339 (4th Cir. 2014) (Davis, J., dissenting).[2] And criminalization via regulation is one of the phenomenon's "core

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[2] See also, *e.g.*, Tim Lynch, Cato Inst., *Cato Handbook for Policymakers* 193–199 (8th ed. 2017); *Overcriminalization*, The Heritage Found., https://heritage.org/crime-and-justice/heritage-explains/overcriminalization (last visited Jan. 9, 2024); James R. Copland & Rafael Mangual, *Overcriminalizing America*, Manhattan Inst. for Pol'y Rsch., Inc., https://manhattan.institute/article/overcriminalizing-america-an-overview-and-model-legislation-for-states (last visited Jan. 9, 2024); Charles G. Koch & Mark V. Holden, *The Overcriminalizaton of America*, Politico Magazine (Jan. 7, 2015), https://www.politico.com/magazine/story/2015/01/overcriminalization-of-america-113991/.

drivers."

The number of "laws" imposed through regulatory rulemaking has increased exponentially. The growth of over-criminalization "has been particularly immense with regard to the twentieth century pursuit of 'regulatory crimes,' also known as malum prohibitum crimes . . . ." Larkin, *Public Choice Theory and Overcriminalization*, *supra*, at 728. The sheer amount of federal criminal regulations is impossible to follow. "If regulations enforceable in criminal prosecutions are included, the number of potentially relevant federal laws could exceed 300,000," *id.* at 729, far in excess of the already massive "3,300 congressionally enacted federal criminal statutes," *id.* at 728. Indeed, by one account, the Code of Federal Regulations now spans more than 180,000 pages. *Buffington v. McDonough*, 143 S. Ct. 14, 20 (2022) (Gorsuch, J., dissenting from denial of cert.). Each year, the agencies add between "three thousand to five thousand final rules." *West Virginia v. E.P.A.*, 142 S. Ct. 2587, 2619 n. 2 (2022) (Gorsuch, J., concurring) (quoting Ronald A. Cass, *Rulemaking Then and Now: From Management to Lawmaking*, 28 Geo. Mason L. Rev. 683, 694 (2021)). Nearly "98 percent of the more than 300,000 crimes on America's books were never voted on by Congress." Copland & Mangual, *supra*.

Over-criminalization through agency rulemaking exponentially increases the risk that citizens will be subject to the "serious deprivations of liberty" that flow from "the consequences of criminal guilt," *McKeiver v. Pennsylvania*, 403 U.S. 528, 551 (1971) (White, J., concurring)—and it does so without

the ordinary checks the separation of powers and political accountability provide. Where the stakes are so high for so many, it is urgent to resolve when courts should resolve ambiguity in favor of lenity against ever-expanding criminalization through regulation.

Further, criminalization through regulation at the whim of everchanging agency determinations

> "turn[s] the normal construction of criminal statutes upside-down, replacing the doctrine of lenity with a doctrine of severity." *Crandon v. United States*, 494 U.S. 152, 178 (1990) (Scalia, J., concurring in the judgment). . . . [I]t would allow an agency to depart from its longstanding interpretation of a criminal law merely for policy reasons associated with a change in presidential administrations and merely by going through the notice-and-comment process. See *Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 981–82 (2005). Such a policy-laden expansion of the scope of prohibited conduct has no place in this criminal sphere. "[A] criminal conviction ought not to rest upon an interpretation reached by the use of policy judgments rather than by the inexorable command of relevant language." *M. Kraus & Bros., Inc. v. United States*, 327 U.S. 614, 626 (1946).

Gun Owners of Am., Inc. v. Garland, 19 F.4th 890, 923 (6th Cir. 2021) (en banc) (Murphy, J., dissenting)

(citations cleaned up).

The Court has recognized as much when it previously addressed the National Firearms Act. In *Thompson/Center Arms Co.*, after employing the traditional tools of statutory interpretation—notably not giving deference to the ATF—the Court determined that it was

> left with an ambiguous statute. The key to resolving the ambiguity lies in recognizing that although it is a tax statute that we construe now in a civil setting, the NFA has criminal applications that carry no additional requirement of willfulness. Making a [machinegun] without approval may be subject to criminal sanction, as is possession of an unregistered firearm and failure to pay the tax on one, 26 U.S.C.A. §§ 5861, 5871. It is proper, therefore, to apply the rule of lenity and resolve the ambiguity in Thompson/Center's favor.

United States v. Thompson/Center Arms Co., 504 U.S. 505, 517–18 (1992) (citations omitted). See also *id.* at 519 (Scalia, J., concurring in the judgment) ("[T]he application of the National Firearms Act . . . is sufficiently ambiguous to trigger the rule of lenity."). The Court rejected the idea that it is "inappropriate" to apply the rule of lenity "in a civil setting, rather than a criminal prosecution." *Id.* at 518, n.10 (cleaned up). "If anything, the rule of lenity is an additional reason to remain consistent, lest those subject to the criminal law be misled." *United States v. Santos*, 553

U.S. 507, 523 (2008). See *United States v. Harris*, 959 F.2d 246, 258 (D.C. Cir. 1992) (Per curiam opinion, joined by Ginsburg and Thomas, JJ.) (recognizing the rule of lenity applies to NFA contexts), *abrogated on other grounds by United States v. Stewart*, 246 F.3d 728 (D.C. Cir. 2001).

Thompson/Center Arms Co. makes clear that, because of the criminal nature of the NFA, the rule of lenity applies to all NFA interpretations should any unresolved ambiguity arise. Given that the Court must once again address the NFA, and the criminal implications of the ATF's bump stock rule are far greater than those in *Thompson/Center Arms Co.*, if there is an unresolved ambiguity, the Court should once again turn to the rule of lenity.

In *Thompson/Center Arms Co.*, the question was whether selling a parts kit that could be used to turn a pistol into a short-barreled rifle regulated by the NFA constituted "making" an NFA firearm, or whether assembly was needed. Once an individual put the parts kit together in an unintended fashion, the individual would likely be subject to the NFA as he "made" a short-barreled rifle. But, the Court could not determine whether the NFA term "making" included packaging parts together. Thus, applying the rule of lenity, the Court found that simply selling the kits did not fall under the NFA.

Here, on the other hand, the regulation affects the manufacturing, selling, and most importantly, possession of bump stocks by manufacturers, retailers, and individuals. Instead of just affecting one manufacturer's selling of a parts kit, the bump stock regulation affects a wide swath of regulated persons.

Those individuals who are unaware of the ATF's bump stock regulation, or the Court's decision if it chooses to uphold the regulation, face life altering criminal consequences from an agency regulation. If lenity applied in *Thompson/Center Arms Co.*, then it certainly applies here.

IV. The ATF's fluid bump stock rule shows the perilousness of criminalization via regulation.

Where an agency changes direction, it must take into account whether its "prior policy has engendered serious reliance interests." *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2126 (2016) (citation omitted). Allowing agencies the freedom to broadly interpret "statutory provisions to which criminal prohibitions are attached, federal administrators can in effect create (and uncreate) new crimes at will, so long as they do not roam beyond ambiguities that the laws contain." *Whitman*, 135 S. Ct. at 353 (statement of Scalia & Thomas, JJ., respecting the denial of certiorari). And finding in favor of the government's interpretation of an ambiguous criminal statute, simply because the government posits the interpretation, "is especially contrary to sound practice" given "that the Government itself rejected [this interpretation] for years." *Abramski v. United States*, 573 U.S. 169, 203 (2014) (Scalia, J., with whom Roberts, C.J., Thomas & Alito, JJ., join, dissenting).

The ATF has done here exactly what the Court has warned against: After taking the position for years that possession of a bump stock was legal, it then changed course and decided that as of March 26, 2019

possession of a—lawfully acquired—bump stock is illegal. As Justice Gorsuch highlighted when discussing a prior case addressing the same ATF rule, the problem is that "[t]he law hasn't changed, only an agency's interpretation of it." *Guedes v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 140 S. Ct. 789, 790–91 (2020) (statement of Gorsuch, J., respecting denial of certiorari). This ability to shift positions at will illustrates the perils of an unconstrained executive branch and also creates grave fair warning concerns.

V. Applying the rule of lenity is especially important when a fundamental constitutional right is involved.

Individuals should "conform their conduct to the fairest reading of the law they might expect from a neutral judge." *Id.* (statement of Gorsuch, J., respecting denial of certiorari). They should not be required to guess whether an agency's first interpretation will be deemed reasonable and guess whether the new—often opposite—position will be, too. Requiring individuals to guess whether an agency's interpretation will be upheld is especially chilling when the agency's interpretation places new limits on fundamental rights.

One of the tenets of our system of government is that "statutes *ought not* to tread on questionable constitutional grounds unless they do so clearly." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 249 (2012). The Court has accordingly long recognized that courts should construe statutes to avoid interpretations—even reasonable ones—that raise serious constitutional

concerns. *Crowell v. Benson*, 285 U.S. 22, 62 (1932). In the ordinary case, the "clear statement" rule suggests that if a statute is ambiguous whether it implicates a fundamental constitutional right, then reviewing courts should err on the side of liberty. This ideal further justifies the rule of lenity.

> The clear-statement rule is "not a judicial sport." *Singer v. United States*, 323 U.S. 338, 350 (1945) (Frankfurter, J., dissenting). It reinforces a fundamental separation-of-powers principle. *Carter*, 736 F.3d at 733 (Sutton, J., concurring). The Constitution allows only Congress to create crimes. *See United States v. George*, 228 U.S. 14, 22 (1913). . . . [T]he President cannot create administrative crimes, *George*, 228 U.S. at 22. This principle promotes liberty by barring the government from forcing Americans to change their behavior on threat of imprisonment unless their representatives pass a bill that survives the arduous journey through both Houses of Congress and their President signs this bill into law. *See Bond v. United States*, 564 U.S. 211, 222 (2011).

Gun Owners of Am., Inc., 19 F.4th at 917–18 (en banc) (Murphy, J., dissenting) (citations cleaned up).

Here, the ATF's rule criminalizes conduct connected to the exercise of Second Amendment rights. The Second Amendment's guarantee of the right to keep and bear arms is a "true palladium of liberty," and "among those fundamental rights

necessary to our system of ordered liberty." *District of Columbia v. Heller*, 554 U.S. 570, 606 (2008) (quoting 2 *Blackstone's Commentaries* 143 (St. George Tucker ed., 1803)). *McDonald v. City of Chi.*, 561 U.S. 742, 778 (2010). And bump stocks, like myriad other firearm parts, are used for lawful purposes within the Second Amendment's scope, such as "home defense, militia use, sporting competitions, hunting, [and] target practice." *Miller v. Bonta*, 542 F. Supp. 3d 1009, 1061 (S.D. Cal. 2021), *vacated and remanded on other grounds*, No. 21-55608, 2022 WL 3095986 (9th Cir. Aug. 1, 2022). ATF's reading of the NFA to place bump stocks under its purview adds enormous regulations—with life altering criminal consequences—to a protected firearm. The rule does not account for this protected status. By its terms, all owners of previously lawful bump stocks must have turned them over or destroyed them by March 26, 2019.

The validity of the ATF's bump stock rule also directly affects the lives and property interests of as many as half a million individuals who purchased previously lawful bump stocks. In reliance on ATF's prior interpretations of the statutory definition of "machinegun," Americans across the country legally purchased an estimated 280,000–520,000 bump stocks at a total cost of between $59,000,000 and $102,000,000. See Bump-Stock Type Devices, 83 Fed. Reg. 66514, 66547. The agency's new rule requires these Americans to either surrender or destroy their devices on pain of serious fines and imprisonment. Indeed, one bump stock manufacturer reportedly was forced to destroy over $20,000,000 worth of inventory

as well as stop manufacturing more.[3]

While some states have criminalized bump stock ownership through statutes, in states where ownership remains legal, individuals have a property interest in their bump stocks. The ATF's bump stock rule requires dispossession of that property interest and criminalizes it to the tune of up to $10,000 and ten-years imprisonment, "which may be imposed without proof of willfulness or knowledge." *Thompson/Center Arms Co.*, 504 U.S. at 508. This raises serious Fifth Amendment takings questions. *Lane v. United States*, 612 F. Supp. 3d 659, 660 (N.D. Tex. 2020). The Takings Clause "protects individuals who have an investment-backed expectation in private property" that the government physically or through regulation takes and applies to public use/benefit. *Id.* at 663 (citing *Horne v. Dep't of Agric.*, 576 U.S. 350 (2015)). Bump stock owners' expectation that they could legally own bump stocks is especially strong here where their state governments have granted a property interest in the bump stocks, and—until recently—the ATF sanctioned their possession. Applying the rule of lenity will prevent these unconstitutional takings.

The Court should not allow the owners of 280,000–520,000 bump stocks to face such a penalty because of an administrative interpretation of an ambiguous statute. Only the democratically elected,

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[3] See *Mod. Sportsman, LLC v. United States*, 145 Fed. Cl. 575, 576 (Fed. Cir. 2019); Avery Anapol, G*un Company Sues US Over Bump Stock Ban, Claiming $20M in Losses*, The Hill (Apr. 9, 2019), https://thehill.com/regulation/court-battles/438066-gun-company-sues-us-over-bump-stock-ban-claiming-20-million-in.

and accountable, officials in Congress can make such a decision.

CONCLUSION

For the reasons stated in this *amicus* brief, if the Court is unable to determine the meaning of "automatic" or "single function of the trigger"—without any deference—then the Court should apply the rule of lenity. Thus, the Court should affirm the decision of the United States Court of Appeals for the Fifth Circuit, holding the ATF's bump stock rule invalid.

Respectfully submitted,

David C. Tryon
Counsel of Record for Amicus Curiae
Alex M. Certo
The Buckeye Institute
88 East Broad Street
Suite 1300
Columbus, OH 43215
(614) 224-4422
d.tryon@buckeyeinstitute.org