

No. 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***

**BRIEF OF THE NATIONAL ASSOCIATION
FOR GUN RIGHTS, INC., THE NATIONAL
FOUNDATION FOR GUN RIGHTS, INC.,
AND RARE BREED TRIGGERS, LLC, AS
AMICI CURIAE IN SUPPORT OF
RESPONDENT**

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INTEREST OF AMICI CURIAE¹

Amicus Curiae National Association for Gun Rights, Inc. (“NAGR”) is a non-profit social welfare organization exempt from income tax operating under IRC § 501(c)(4). NAGR was established to inform the public on matters related to the Second Amendment, including publicizing the related voting records and public positions of elected officials. NAGR encourages and assists Americans in public participation and communications with elected officials and policy makers to promote and protect the right to keep and bear arms through the legislative and public policy process. NAGR is currently a plaintiff in *National Association for Gun Rights, Inc., et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. 2023), a case challenging the government’s classification of forced reset triggers as “machineguns” under a similar theory as the one presented in this case.

Amicus Curiae National Foundation for Gun Rights, Inc. (“NFGR”) is a non-profit organization exempt from income tax under IRC 501(c)(3). NFGR is the legal wing of the NAGR and exists to defend the Second Amendment in the court system.

Amicus Curiae Rare Breed Triggers, LLC (“RBT”) is a firearms accessories company that manufactured, marketed, and sold forced reset

¹ Pursuant to Rule 37.6, no counsel for a party authored this brief in whole or in part; and no person other than *amici curiae*, its members, or its counsel made a monetary contribution to this brief’s preparation or submission.

triggers. RBT is a defendant in *United States of America v. Rare Breed Triggers, LLC, et al.*, Case No. 23-cv-369 (E.D.N.Y. 2023), a case alleging in part that RBT misled customers by claiming forced reset triggers are not “machineguns.”

Forced reset triggers generally and the *National Association for Gun Rights, Inc.* and *Rare Breed Triggers, LLC* cases specifically are referred to in Petitioner’s Opening Brief. *See* Pet. Br. at 28.

INTRODUCTION

This case is fundamentally about who has authority to define what is and what is not a federal crime. James Madison warned that “[t]he accumulation of all powers, legislative, executive and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny.” THE FEDERALIST No. 47, at 301 (James Madison) (Clinton Rossiter ed., 1961). Consistent with Madison’s admonition, today it is axiomatic that federal crimes are defined by Congress, not the courts and not administrative agencies.² The statutory text controls.

As this case illustrates, Petitioners have repeatedly disregarded the proper lines of authority and sought to create their own criminal statutes in defiance of Congress. Since 1934, the term “machinegun” has been defined by reference to “a single function of the trigger.” *See* National Firearms

² *See U.S. v. Lanier*, 520 U.S. 259, 267 n.6 (1997) (“Federal crimes are defined by Congress, not the courts . . .”) (citation omitted).

Act, 48 Stat. 1236 (June 26, 1934). These key words have not changed. Yet, during the past 20 years, Petitioners have repeatedly changed their interpretation of what these simple words mean, turning otherwise law-abiding Americans seeking to quietly exercise their core Second Amendment rights into potential felons by administrative fiat.

As a matter of statutory interpretation, “single function of the trigger” means today what it meant in 1934 and all the time in between: a single mechanical operation of the trigger. It does not depend on whether the shooter “pulls” the trigger, whether there is a “continuous pull” of the trigger, or whether a “pull” of the trigger “initiates” an ill-defined “firing sequence” that is inconsistent with how that term is used in the firearms industry.

The judgment of the Fifth Circuit should be affirmed, including the statutory interpretation that the plurality found to be unambiguous.

SUMMARY OF THE ARGUMENT

First, *amici* write to correct the record before the Court on forced reset triggers. Petitioners cite forced reset triggers as an example of how the status quo would be altered by a ruling affirming the Fifth Circuit. But in doing so, Petitioners misleadingly describe how forced reset triggers operate, what the lower courts have said about them, and whether they have been consistently classified as “machineguns.”

Second, contrary to Petitioners’ claims, the Fifth Circuit’s interpretation of the National Firearms

Act does not “conflict[] with longstanding practice.” Pet. Br. at 26. Rather, Petitioners have repeatedly changed their approach to how they define “machineguns,” including adopting at least three different approaches to bump stocks and adopting at least five different definitions of “single function of the trigger” over the past six years in the context of forced reset triggers.

Finally, the plain meaning of the term “single function of the trigger” confirms that the term “machinegun” is properly assessed by referring to the mechanical operation of the trigger, not the input of the shooter.

ARGUMENT

I. Petitioners’ Description of Forced Reset Triggers is Misleading

In support of Petitioners’ claim that “single function of the trigger” must mean “single pull of the trigger,” Petitioners cite to other devices that would purportedly be legalized by the Fifth Circuit’s interpretation, contrary to Petitioners’ purported “longstanding practice.” One of the devices cited by Petitioners is the forced reset trigger.

This case is about the meaning of the National Firearms Act in the context of non-mechanical bump stocks. The proper classification of other devices, such as forced reset triggers and mechanical bump stocks (like the Akins Accelerator), is not properly before the Court at this time and need not be directly addressed to resolve the case before the Court. Nevertheless,

this Court’s interpretation of the statute will be applied to firing-rate-enhancing devices other than bump stocks, and given *amici*’s interest in litigation concerning forced reset triggers and in the protection of Second Amendment rights generally, *amici* are deeply concerned with Petitioners’ misleading description of forced reset triggers and thus desire to correct the record.

A. How Forced Reset Triggers Work³

A forced reset trigger (“FRT”) is a semi-automatic trigger assembly that allows the trigger to “reset” quicker than it would using a traditional trigger-return spring, in turn allowing the user to fire the firearm quicker than he could with a traditional trigger. It does not otherwise alter the operation of the firearm.

For example, in an AR-15 equipped with a standard semi-automatic trigger, the function of the trigger is to release the hammer. The same is true in an AR-15 equipped with an FRT. In both cases, the hammer releases when the trigger is pulled back to the point that a “trigger sear” releases the hammer from its retained position. After being released by the trigger, the hammer pivots to contact a firing pin. The firing pin then strikes a chambered ammunition cartridge or “round,” causing gunpowder in the

³ See generally Complaint at ¶¶ 27-34, *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Aug. 9, 2023) (ECF No. 1) (providing a substantially similar description of how forced reset triggers operate).

cartridge to combust and propel the cartridge's bullet out of the barrel of the firearm, that is, to fire. Once fired, a standard semi-automatic trigger will not fire again until the trigger is "reset." Nor will an FRT.

A standard semi-automatic trigger resets due to its trigger-return spring moving the trigger forward until the trigger sear retains the hammer again. When this occurs, the trigger is in its ready-to-fire or "set" position and can function once again when pulled back far enough to release the hammer. By comparison, an FRT is a device that uses the mechanical movement of the firearm's internal components to forcibly return the trigger to its "reset" state, *i.e.*, its ready-to-fire or "set" position.

In the commercialized FRT designs, the trigger is forcibly reset by the hammer when the bolt carrier cycles to the rear. A "locking bar" mechanically locks the trigger in its reset state, preventing the user from moving the trigger rearward to function by releasing the hammer until the bolt has returned to the in-battery position and the firearm is safe to fire. When firing multiple shots using an FRT, the trigger must still reset after each round is fired and must separately function to release the hammer by moving rearward in order to fire the next round.⁴

⁴ This process is visible in two videos illustrating the mechanics of an FRT and comparing the operations of an AR-15 fitted with an FRT to a machinegun, available here: <https://dhillonlaw.app.box.com/s/83pwi4a97id478f1nv31rv05okda2ccd>.

Just like a standard semi-automatic trigger, the trigger must be pulled rearward to release the hammer for each shot fired. In this context, it is not just that the trigger moves with each shot; it is the fact that the trigger has to be pulled by an external force each time a shot is fired. This shows that the trigger functions each time a bullet is fired.

**B. Petitioners’ Description of
Forced Reset Triggers is
Misleading**

Petitioners’ description of how FRTs work is misleading. *See* Pet. Br. at 28. Petitioners claim that FRTs “allow a shooter to fire multiple shots with a single trigger pull.” *Id.* But this description is hotly disputed and being actively litigated in multiple federal courts. While one, the Eastern District of New York, has accepted the government’s framing, others, particularly the Northern District of Texas, have not.

Indeed, contrary to Petitioners’ framing, the Fifth Circuit stated “*it is undisputed* that, [w]hen firing multiple shots using an FRT, the trigger must still reset after each round is fired and must separately function to release the hammer by moving far enough to the rear in order to fire the next round.” *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 23-11138 at 5 (5th Cir. Nov. 30, 2023) (ECF 51-2) (unpublished order denying stay of preliminary injunction) (emphasis added); *see also National Association for Gun Rights, Inc. v. Garland*, No. 4:23-cv-830, 2023 WL 6613080, at *14 (N.D. Tex. Oct. 7, 2023) (“For each and every round fired, the

trigger moves forward into its reset state and is depressed [by the shooter] to release the hammer from its sear surface.”). This is consistent with the record before the Northern Texas District Court, which shows it is undisputed that for each and every shot fired with an FRT a) the trigger must be depressed to release the hammer from its sear surface,⁵ b) the trigger must then move forward to its reset position to retain the hammer again before it can fire another shot by a another release of the hammer,⁶ and c) if the trigger’s forward reset is prevented, such as by the shooter holding the trigger still in its fully depressed position, the weapon will fire only once and then malfunction.⁷

⁵ See Memorandum in Support of Plaintiff’s Motion for Summary Judgment at 1, *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Nov. 3, 2023) (ECF No. 60) (citing Pls.’ App’x 67, 529-532, *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Nov. 3, 2023) (ECF No. 62-1); Prelim. Inj. Hr’g. Tr. 21:16-22:17, 109:11-18, 111:7-16, *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Oct. 2, 2023)).

⁶ *Id.* (citing Pls.’ App’x 67-68, 532-533 *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Nov. 3, 2023) (ECF No. 62-1); Prelim. Inj. Hr’g. Tr. 111:17-112:24, *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Oct. 2, 2023)).

⁷ *Id.* (citing Pls.’ App’x 533, *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Nov. 3, 2023) (ECF No. 62-1); Prelim. Inj. Hr’g. Tr. 113:10-21, *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Oct. 2, 2023)).

Thus, despite Petitioners' framing, the key—and undisputed—facts are that an FRT's trigger resets after each shot and that if you hold down the trigger and do not allow it to move forward to reset, the gun will malfunction—*i.e.*, it cannot fire multiple rounds from just a single trigger function of releasing the hammer.

Moreover, it is important to note that Petitioners' framing creates a misleading impression that the *Fifth Circuit* said something that is merely *Petitioners'* contested litigation position. Petitioners state “[c]ertain devices, known as ‘forced reset triggers,’ allow a shooter to fire multiple shots with a single trigger pull by repeatedly pushing the rifle’s curved lever into the shooter’s stationary trigger finger.” Pet. Br. at 28. In support of this, Petitioners cite a document from the Fifth Circuit record, implicitly suggesting that this was said by the Fifth Circuit. It was not. The document cited, ECF 12, is the government’s appendix on appeal, and the specific document cited is the government’s own Firearms Technology Criminal Branch Report of Technical Examination. This is a restatement of the government’s position, *not* a statement from the Fifth Circuit adopting Petitioners’ position.

II. Petitioners have Repeatedly Adopted Inconsistent Definitions of the Relevant Terms

Petitioners have repeatedly changed their interpretation of the phrase “single function of the trigger” to magically transform millions of previously

law-abiding American citizens into criminals overnight based on nothing more than administrative fiat. Thus, Petitioners' suggestion that this Court should give weight to their "longstanding practice," *see* Brief of Petitioners at 26, is factually misleading and legally immaterial.

Even if the ATF had a consistent, longstanding practice of using an unlawful statutory interpretation, that the practice was longstanding does not make it any less unlawful.

And the ATF's history of flip-flopping on bump stocks illustrates how the ATF's administrative landscape is ever-shifting and not as venerable as the government boasts. As Petitioners' own Brief confirms, the Bureau of Alcohol, Tobacco, and Firearms has taken at least three different positions vis-à-vis bump stocks in the past 25 years with no corresponding change in underlying statutory authority.

In 2002, the Bureau of Alcohol, Tobacco, and Firearms ("ATF") determined that the Akins Accelerator—a type of mechanical bump stock—was *not* a machinegun because "the agency read the term 'single function of the trigger' to mean 'single movement of the trigger.'" Pet. Br. at 7 (quoting *Final Rule: Bump-Stock-Type Devices*, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 83 Fed. Reg. 66,514, 66,517 (Dec. 26, 2018)). Tellingly, the ATF's position in 2002—that single function of the trigger means "single movement of the trigger"—bears a striking resemblance to the Fifth Circuit test that

Petitioners now claim is inconsistent with their “longstanding practices.”

In 2006, the ATF changed its interpretation of “single function of the trigger,” “determin[ing] that ‘the best interpretation of the phrase ‘single function of the trigger’ includes a ‘single pull of the trigger,’” *id.* at 8 (citing 83 Fed. Reg. at 66,517), and thus reclassified the Akins Accelerator as a “machinegun.” Petitioners claim this change of heart stemmed from “further review of the device based on how it actually functioned when sold.” *Id.* But their own brief makes clear that the ATF’s decision was based on a change in its interpretation of the law, not any change in its understanding of the structure or operation of the device, despite the fact that there was no relevant statutory change from 2002 to 2006.

The ATF’s mercurial approach to interpreting the law played out again with non-mechanical bump stocks. As Petitioners acknowledge, from 2008-2017, the ATF issued ten letter rulings concluding that non-mechanical bump-stocks “did not enable a firearm to fire ‘automatically’ and thus did not convert weapons into machineguns.” Pet. Br. at 8.

In 2017, for policy reasons bearing no relationship to a change in underlying law, Petitioners again changed course, culminating in the final Bump Stock rule in 2018. *See id.* at 9 (acknowledging the “ATF decided to conduct notice-and-comment rulemaking to reconsider its position on bump stocks” following the tragic 2017 Las Vegas shooting). In doing so, Petitioners again changed their definition of

“single function of the trigger,” claiming it now was synonymous with a “a single pull of the trigger *and analogous motions.*” 27 C.F.R. § 479.11 (emphasis added).

Petitioners’ game of definitional Calvinball⁸ did not end with the 2018 Bump Stock rule, nor was it halted by the Fifth Circuit’s ruling in this case. For example, Petitioners have offered at least five separate interpretations of “single function of the trigger” in seeking to justify claims that forced reset triggers are “machineguns”:⁹

- A “single pull of the trigger and analogous motions;”¹⁰

⁸ See *In re Gabriella A.*, 319 Conn. 775, 807 n.10 (Conn. 2015) (Robinson, J., dissenting) (describing Calvinball, from the comic strip “Calvin and Hobbs,” as “the game that can never be played with the same rule twice,” a game where “any player can change the rules at any point in the game, the score is kept without any logic or consistency, and penalties are given in any way deemed fit.”).

⁹ See Plaintiffs’ Combined Brief in Response to Defendants’ Cross-Motion for Summary Judgment and Reply in Support of Plaintiffs’ Motion for Summary Judgment at 19-20 *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Dec. 22, 2023) (ECF No. 84).

¹⁰ 27 C.F.R. § 479.11. Petitioners have since untethered themselves from this previously official ATF regulatory definition.

- The application of “constant rearward pressure;”¹¹
- A “continuous pull;”¹²
- A “constant rearward pull” or “single function of the trigger means single pull of the trigger;”¹³ and
- The “initiation of the firing sequence” plus “constant rearward pressure.”¹⁴

Petitioners do not have a single “longstanding” practice nor interpretation of the term “single function of the trigger” entitled to either deference or *stare decisis* considerations. What they have instead is a 20-year odyssey through various definitions, adopted and rejected based on multiple policy considerations, rather than any change in the actual statute.

¹¹ Pls.’ App’x 112-177 (ATF’s FRT Report, July 15, 2021), 179-193 (ATF’s WOT Report, October 21, 2021), *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Nov. 3, 2023) (ECF No. 62-1).

¹² *Id.* at 112-177 (ATF’s FRT Report, July 15, 2021).

¹³ *Id.* at 197-253 (ATF’s FRT Report, April 27, 2023, at 5), 299 (Prelim. Inj. Hr’g. Tr. 162:1-4, *United States v. Rare Breed Triggers, LLC, et al.*, No. 23-cv-369 (NRM) (RML), 2023 WL 5689770 (E.D.N.Y. Aug. 1, 2023)).

¹⁴ *Id.* at 278 (Prelim. Inj. Hr’g. Tr. 130:10-17 (Oct. 2, 2023)), *National Association for Gun Rights, et al. v. Garland, et al.*, Case No. 4:23-cv-00830 (N.D. Tex. Nov. 3, 2023) (ECF No. 62-1).

“Single function of the trigger” should mean what the statutory text says and what Petitioners understood it to mean for nearly 70 years: the mechanical operation of the trigger, irrespective of shooter input. At worst, the constantly shifting definitions espoused by Petitioners suggest that “single function of the trigger” is ambiguous, and the Fifth Circuit therefore correctly applied the rule of lenity.

III. Function Can Only Be Defined Based On The Trigger’s Actions, Not The Shooter’s Input

A. “Function” of the Trigger Can Only be Properly Understood by Referring to the Mechanical Actions of the Trigger

The National Firearms Act refers to a single “function” of the trigger. It does not mention shooter input. In this context, “function” can only be understood by reference to the mechanical actions of the trigger, rather than external actions of a shooter.

First, the plain meaning of the word “function” is defined by what an object does, not how an object is engaged. Contemporary dictionaries show that “function” was so understood when Congress enacted the statute. *See, e.g., The Comprehensive Standard Dictionary of the English Language* 258 (Funk & Wagnalls 1934) (“[t]he appropriate or assigned business, duty, part, or office of any person or thing”); *The Oxford English Dictionary* Vol. IV 602 (Oxford 1933, reprinted 1961) (“The special kind of activity

proper to anything, the mode of action by which it fulfils its purpose”).

Second, as the *Cargill* plurality found, a “trigger” is properly defined as a “mechanism ... used to initiate the firing sequence.” *Cargill v. Garland*, 57 F.4th 447, 462 (5th Cir. 2023) (quoting *United States v. Jokel*, 969 F.2d 132, 135 (5th Cir. 1992)).

A trigger can thus take many forms, such as a button, a switch, or the traditional curved lever design common to most firearms, and they may be operated by many means, such as by pull, push, or rotation. In all these variations, while the method of activating the trigger may differ, the *function* of the trigger remains the same: it performs a mechanical action to initiate a firing sequence.

While there are slightly different ways to describe the firing sequence, in this context, it is synonymous with the cycle of fire, a process that begins with the “function” of the trigger, which causes a round to be fired from the weapon, and, in an autoloading weapon such as the semi-automatic rifles FRTs are designed for, ends with the extraction of a spent cartridge.¹⁵

¹⁵ See generally *How Guns Work: Firing Sequence*, National Rifle Association (Sept. 19, 2023), <https://www.nrafamily.org/content/how-guns-work-firing-sequence/>; *Firearms Examiner Training: Cycle of Fire Steps*, National Institute of Justice (Jul. 12, 2023), <https://nij.ojp.gov/nij-hosted-online-training-courses/firearms-examiner-training/module-08/cycle-fire-steps>.

This is different from how Petitioners seek to interpret the term “firing sequence.” Tellingly, the Bump Stock rule sought to subtly shift the definition of the firing sequence away from this common understanding by effectively redefining the firing sequence as whatever happens between manual inputs.¹⁶ This redefinition of “firing sequence” effectively renders the Bump Stock rule tautological by reading out any independent meaning of “firing sequence.”

Petitioners concede, both presently before the Court and in statements made in the Bump Stock rule, *see* 83 Fed. Reg. at 66,553, that their initial interpretation of “function” as meaning “pull” was fatally flawed. Yet rather than reverse course and adopt an interpretation consistent with Section 5845(b), Petitioners took the opposite approach and expanded their previous definition to include the catchall phrase “and analogous movement ... taking into account that there are other methods of initiating an automatic firing sequence that do not require a pull.” *Id.*

Tellingly, Section 5845(b) contains no mention of any term which would lend credence to Petitioners’

¹⁶ For example, citing to the Seventh Circuit decision in *United States v. Olofson*, 563 F.3d 652, 658 (7th Cir. 2009), the Bump Stock rule states, “So long as the firearm is capable of producing multiple rounds with a single pull of the trigger until the trigger finger is removed, the ammunition supply is exhausted, or the firearm malfunctions, the firearm shoots ‘automatically’ irrespective of why the firing sequence ultimately ends.” 83 Fed. Reg. at 66,519.

interpretation. Nowhere in that section can the following words be found: “pull,” “shooter,” “engage,” “manipulate,” “user,” “trigger finger,” “movement,” etc.

Third, Petitioners’ interpretation of “function of the trigger” creates an entirely subjective standard with no consistently applicable definition of “machinegun.” By linking “function” to an action performed by the shooter, Petitioners create a scenario where the start and stop of the firing sequence is entirely outside the scope of the trigger’s mechanical function. Indeed, Petitioners openly argue this point and claim, “the statute is most naturally read to focus on the shooter’s interaction with the firearm rather than on the firearm’s internal mechanics.” Pet. Br. at 15. Nonsensically, Petitioners assert this argument while simultaneously claiming that it is the function of a trigger to initiate a firing sequence, a definition that can only implicate the mechanical aspects of the trigger.

Petitioners’ contradictory argument becomes even more apparent when considering that some types of semi-automatic triggers fire one round when a trigger is pulled and released, while other types of semi-automatic triggers, known as “binary triggers,” fire a round on trigger pull and another on trigger release. In both scenarios, the shooter’s actions are the same, but the number of rounds fired differs. What distinguishes these semi-automatic triggers is therefore not the shooter’s interaction, but rather the internal mechanics of the respective triggers.

For these reasons, “function” can only be applicable to an act the trigger performs and not an act performed on the trigger by a shooter, as is, indeed, made grammatically clear by Congress’s use of the phrase “function *of* the trigger.” (Emphasis supplied.) The Fifth Circuit plurality interpretation should be affirmed in this respect.

**B. The Mechanical Actions Of The
Trigger Are Integral To
Whether It Should Be Classified
As A Machinegun**

For a weapon to be a “machinegun” within the confines of Section 5845(b), it must be able to fire more than one shot, automatically, by a single function of the trigger. Any intervening function of the trigger, which occurs after the first shot, but before additional shots are fired, would create a firing sequence not meeting the definition of a “machinegun.” This remains true regardless of whether an automatic, or seemingly automatic, process occurs during the firing sequence.

Although there are many methods by which a trigger can initiate a firing sequence, the most common and well known is through the release of a hammer. For example, in a semi-automatic trigger, a “trigger sear” interconnects with a notch of the hammer to retain the hammer in place. When a shooter is ready to fire, the shooter pulls the trigger rearward, thus shifting the trigger sear away from the hammer notch, thus releasing the hammer and allowing it to fall forward to strike the firing pin. This

results in a discharge of the cartridge and the subsequent rearward travel of the “bolt carrier” through the force of that discharge.

In a standard semi-automatic firearm, the rearward travel of the bolt carrier depresses the hammer back down where a “disconnecter” catches the top of the hammer and prevents the hammer from following the bolt carrier and falling forward again. The disconnecter continues to hold the hammer fully rearward, preventing an additional discharge, until the trigger is allowed to be moved to its reset position by the trigger-return spring. Once the trigger is allowed to move forward, the trigger sear reengages the hammer as the disconnecter releases the hammer, and the firing sequence is completed. This reengagement between the trigger sear and the hammer is an additional function of the trigger which resets the firing sequence and prepares the weapon to be fired again. Put another way, one shot is fired per function of the trigger.

Such is also the case with other types of triggers such as FRTs and “binary triggers.” In the case of FRTs, the process begins the same way as with a traditional semi-automatic trigger, whereby the shooter actuates the trigger, the trigger sear disengages, and the hammer falls forward to strike the firing pin, discharging a shot and causing the bolt carrier group to travel rearward. But with an FRT, as the bolt carrier group travels rearward and pushes into the hammer, the hammer is in turn pushed into the top of the trigger assembly and forcibly pivots it forward to its reset position, causing it to retain the

hammer again. Unlike the above-described process for a traditional semi-automatic trigger, an FRT has an additional mechanism, known as a “locking bar,” which engages the top of the trigger assembly to prevent additional shots from being fired until the bolt carrier group has returned fully forward and the initial firing sequence is completed. As with traditional semi-automatic triggers, only one shot is fired per function of an FRT’s trigger.

In the case of an automatic trigger, or “machinegun” under Section 5845(b), the above sequence is significantly different when these weapons are set to automatic fire. Although the sequence begins with the shooter moving the trigger rearward to release the hammer from the trigger sear, there is no component that retains the hammer after a shot is fired in a manner that makes it necessary for the trigger to reset before the hammer can fall forward again. Instead, after the first shot is fired, a component called an “auto-sear” takes over the trigger’s function of retaining and releasing the hammer and begins performing these actions automatically, causing the weapon to fire repeatedly without any subsequent involvement of the trigger until either (1) the ammunition is spent, (2) the firearm malfunctions, or (3) the shooter releases the trigger and thus allows the trigger sear to reengage the hammer. In this scenario, although there is still only one function of the trigger, multiple shots are (or can be) fired before the trigger reengages the hammer and the sequence is completed.

Regarding a firearm equipped with a bump stock, the function of the trigger remains the same as in a standard semi-automatic trigger, rather it is how the shooter engages with the trigger and causes it to function that differs. A bump stock permits a weapon to slide back and forth into the shooter's finger while his finger remains still. Because the bump stock allows the weapon to slide rearward after a round is discharged, the weapon moves away from the shooter's finger, which allows the trigger to be reset by the trigger-return spring. Simultaneously, the shooter's forward pressure on the weapon causes it to move forward into his finger again after its rearward movement is completed, restarting the sequence; as the shooter pushes the weapon to its foremost position, the shooter's finger is pressed into the trigger, moving it rearward to cause the hammer to release, resulting in the discharge of an additional round. In this way, a shooter can rapidly reengage the trigger after the firing sequence is complete to start the sequence anew, but no more than one shot is fired per function of the trigger. It is evident from this process that an otherwise semi-automatic weapon equipped with a bump stock is still a semi-automatic weapon.

CONCLUSION

For the foregoing reasons, *amici curiae* respectfully request that this Court affirm the judgment of the Fifth Circuit and confirm that "single function of the trigger" is determined by reference to the mechanical actions of the trigger itself, not shooter inputs.

Respectfully submitted,

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