

Congress of the United States

House of Representatives

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Ranking Member Jamie Raskin Opening Statement

“ATF’s Assault on the Second Amendment: When is Enough Enough?” March 23, 2023

This hearing seeks to question the ATF’s authority to regulate short-barreled rifles and transpires one day after the two-year anniversary of a mass shooting in Boulder, Colorado. On that day two years ago, a gunman used an [AR-style pistol](#) with a so-called “wrist stabilizing brace” to murder 10 people, including an on-duty police officer, in a King Soopers grocery store. The stabilizing brace made the AR-style pistol identical in capability to a rifle, yet escaped ATF regulations under the National Firearms Act of 1934 that have been in place for nearly 90 years.

The shooter purchased the gun just six days before the killing spree where he ended the lives of Jody Waters, Denny Strong, Neven Stanisic, Rikki Olds, Lynn Murray, Kevin Mahoney, Teri Leiker, Suzanne Fountain, Tralona Bartowiak, and Officer Eric Talley.

This hearing aligns nicely with the “insurrectionist” view of the Second Amendment espoused by the NRA and its congressional sycophants.

The insurrectionist theory promotes the idea that the purpose of the Second Amendment is to enable the people to attack and overthrow the government. It’s a ludicrous claim directly contradicted by at least six provisions of the Constitution.

The insurrectionists dogma of the right-wing NRA forces has never been adopted by the Supreme Court. In the *D.C. v. Heller* decision, Justice Scalia clearly stated that reasonable gun safety regulations are perfectly consistent with the Second Amendment. Justice Scalia provided examples of regulations that could be deemed “reasonable,” including a ban on concealed carry; bans on felon firearm possession; laws forbidding carrying guns in schools, government buildings and other public places; and firearm criminal background checks.

Of course, Justice Thomas’s bizarre ruling in *Bruen v. New York* tried to undermine the legality of the “reasonable regulations” approach enunciated in *Heller*.

In courts across the country, ultra MAGA, right wing advocates are challenging commonsense gun safety laws, like those blocking people subject to domestic violence restraining orders or under felony indictments from possessing guns, and reasonable regulations on ghost guns.

And today, Congressional Republicans are attacking on ATF’s longstanding statutory authority to regulate short-barreled rifles. They are working overtime to prevent the ATF from catching up to gun industry attempts to exploit regulatory loopholes that make it easier to conceal and disseminate military grade assault weapons.

And while Mr. Bosco may have originally designed the stabilizing brace to help disabled gun owners, that is obviously no longer its primary use in practice. Instead, the primary purpose of stabilizing braces is to turn so-

called “pistols” into short-barreled rifles, making incredibly lethal weapons easily concealable and tactical all while evading ATF’s 90-year-old regulation.

Our colleagues on the other side of the aisle claim they want to provide for the safety and security of the American people. But their actions do the exact opposite.

Their constitutional theory is nonsense, and it is the basis for their opposition to all gun safety regulations. Public safety has nothing to do with it, which is why the United States has the worst gun fatality rate of all the industrial nations, and why gun violence is the leading cause of death among American children today. The GOP position on regulations of short-barreled rifles will only undermine the safety of our families and our communities and make mass casualty events more likely.

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