

U.S. Supreme Court Temporarily Reinstates Biden Administration's 'Ghost Gun' Kit Regulations



The U.S. Supreme Court has temporarily reinstated regulations set forth by the Biden administration pertaining to "ghost gun" kits and parts. These regulations mandate that manufacturers and sellers of these kits include serial numbers on the products, maintain transfer records, and perform background checks on buyers.

The Supreme Court's decision, backed by five justices, comes as a response to a federal judge's previous ruling that had overturned the ghost gun regulations. The New York Times, SCOTUSblog, Law.com, and the Washington Post have all reported on this noteworthy development. The court's order was shared on Twitter by Mark Joseph Stern, a writer for Slate.

Chief Justice John Roberts and Justice Amy Coney Barrett, aligning with the three liberal justices, voted to reinstate the regulations. On the other side, Justices Clarence Thomas, Samuel Alito, Neil Gorsuch, and Brett Kavanaugh dissented from the majority's decision.

See also: [Supreme Court to Rule on Gun Ownership Rights for Individuals Under Civil Protective Orders](#)

Ghost gun kits are designed to provide individuals with the necessary components to construct untraceable firearms lacking serial numbers. Central to the dispute was a final rule issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), which interpreted the Gun Control Act of 1968 to encompass the sales of ghost gun kits.

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The U.S. Solicitor General, Elizabeth Prelogar, filed an application with the Supreme Court to revive the rule, arguing that law enforcement agencies had been grappling with a surge in criminal activities involving ghost guns. Prelogar emphasized that the final rule merely obliges sellers of ghost gun components to comply with established laws that impose conditions on the commercial sale of firearms.

Opponents of the regulations contested the assertion that the sale of gun parts was directly linked to an uptick in criminal incidents. Furthermore, they took issue with the term "ghost guns," deeming it a loaded "propaganda term" absent from federal legislation.

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U.S. District Judge Reed O'Connor, situated in the Northern District of Texas, had nullified the final rule on the grounds that the ATF had exceeded its designated statutory authority in enacting it. However, the 5th U.S. Circuit Court of Appeals in New Orleans subsequently narrowed the scope of O'Connor's ruling, thereby obstructing the enforcement of two pivotal provisions within the rule.

The reinstated regulations are aimed at addressing the burgeoning concern surrounding ghost guns, which have emerged as a potential avenue for illicit firearms transactions. The outcome of this legal battle holds implications for both the regulation of firearms and the broader authority of administrative agencies.

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