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Franklin Armory and FRAC Sue US Government, Challenging Multiple Meritless ATF Actions and Inactions

Innovative armorer and Firearms Regulatory Accountability Coalition file a lawsuit holding key government officials accountable for arbitrary and capricious policies and rulings

MINDEN, Nev. – January 4, 2023 – [Franklin Armory, Inc.](#), a leading U.S.-based manufacturer of firearms and accessories, in conjunction with the Firearms Regulatory Accountability Coalition, Inc. (FRAC), today announced that it has filed a federal lawsuit challenging wrongful classification of firearms and regulatory delays by U.S. Attorney General Merrick Garland and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Co-Plaintiff, FRAC, is a nonprofit organization demanding accountability, transparency, and fairness from those agencies that regulate firearms.

The case, *Firearms Regulatory Accountability Coalition, Inc., et al. v. Merrick B. Garland, et al.*, seeks the immediate promulgation of procedures and forms necessary to facilitate sales and transfers of Franklin Armory's Reformation® firearm line as required by law. The case also seeks the immediate reclassification of Franklin Armory's Antithesis™ firearm line consistent with the National Firearms Act (NFA) and Gun Control Act (GCA).

The complaint centers around the multi-year delay by ATF to develop the mechanisms necessary for Federal Firearm Licensees (FFLs) to sell and transfer Franklin Armory's Reformation, which the agency considers to be a firearm subject to GCA but not subject to NFA. In one of its letters to Franklin Armory, ATF acknowledged that its classification created "a gap in the federal firearm regulations," which the agency would need to promptly rectify. As of this case's filing date, it has been more than 1,500 days since ATF classified Reformation as a non-NFA firearm without implementing the requisite procedures.

The lawsuit further spotlights ATF's arbitrary, capricious, and meritless regulatory overreach regarding the agency's misclassification of Franklin Armory's Antithesis line of firearms as a "short-barreled rifle" under both the NFA and GCA. Per the filed complaint and despite several additional voluntary submissions of widely-popular caliber and cartridge variations of Antithesis that Franklin Armory sent for classification, ATF ignored numerous factors in its erroneous classification. According to the claim:

Franklin Armory's Antithesis is a new type of weapon that, in addition to firing a fixed cartridge with a single projectile, is designed and intended to fire cartridges that expel multiple projectiles. By classifying Antithesis as a short-barreled rifle subject to NFA and GCA, ATF has saddled the weapon with unlawful conditions that make it significantly more burdensome for Franklin Armory to sell it to the public.

"The ATF's classification of Antithesis overlooks the plain and clear language of the statute in favor of their own politically motivated interpretation, and its extraordinary delay in creating the procedures and forms necessary for the Reformation series of firearms to be sold in the marketplace has caused Franklin Armory significant financial harm," said Franklin Armory President Jay Jacobson. "We have spent years attempting to resolve this matter without litigation. This lawsuit rightfully challenges the ATF's egregious

inaction and overreach, and seeks to ensure that not only Franklin Armory, but all industry members are treated fairly, accurately, and in accordance with the laws enacted by Congress.”

After many years of fruitless negotiations, *Firearms Regulatory Accountability Coalition, Inc., et al. v. Merrick B. Garland, et al.* was filed with the United States District Court for the District of North Dakota Western Division and names as defendants: Merrick B. Garland, in his official capacity, as Attorney General of the United States; The Bureau of Alcohol, Tobacco, Firearms and Explosives; and Steven Dettelbach, in his official capacity, as director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. Counsel for plaintiffs is Washington-based Wiley Rein LLP.

Media inquiries should be directed to 775-783-4313 or media@franklinarmory.com.

About Franklin Armory®

Safeguarding the God-given right to protect self and property is Franklin Armory’s enduring mission. From the “Battle Born” State of Nevada, the firm engineers and manufactures quality firearms, parts, and accessories for sporting, defense, and law enforcement applications. Highly adept at creating innovative products and using 100% American made parts and materials, *the People* of Franklin Armory are genuine *Facilitators of Freedom™*. For more information, visit FranklinArmory.com.

About Firearms Regulatory Accountability Coalition

FRAC’s mission is to promote greater regulatory transparency in Washington and policies that support American small businesses and manufacturing jobs in the firearms industry. FRAC seeks to work together with Congress and the Administration to develop sound policy that fosters innovation across all firearms product lines. But FRAC will stand up to the federal government when companies are on the receiving end of unwritten and arbitrary enforcement actions that undermine a predictable business environment. For more information, visit FRACAction.com.

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