

When the Magazine Doesn't Empty

Cargill's Textualist Definition of Automatic Operation and the Federal-Law Capture of Agentic Artificial Intelligence

In *Garland v. Cargill* the Supreme Court fixed a mechanical, textualist test for automatic operation: one trigger function, continuous output, no further input. A single deployment instruction to an agentic AI satisfies it exactly, and the magazine never empties because the apparatus sources its own ammunition.

FEDERAL LAW ALREADY DEFINES "AUTOMATIC"

One function of the trigger. Continuous output. No further input. The definition never mentions what the apparatus is made of.

1934, THE MACHINEGUN

One trigger pull; continuous fire until the magazine empties; the operator must manually reload.



2026, THE AGENT

One deployment instruction; continuous multi-step operation; no further human input between operations.

DOCTRINAL, NOT ANALOGICAL

The textualist construction the firearms-rights movement won definitionally captures agentic AI as it is now deployed.

The test does not turn on the consciousness, sentience, or moral status of the operating apparatus. It turns on what the apparatus does upon receiving one input.

The application to AI requires no doctrinal innovation; nothing in the statute or its construction limits the definition to mechanical firearms.

The deployment instruction is the trigger pull. The agent's subsequent operation is continuous output.

The Statute and the Test

How a 1934 definition was relitigated, won, and locked in

From Prohibition-era machineguns to bump stocks to forced reset triggers, one phrase has carried the weight: a single function of the trigger.

THE NATIONAL FIREARMS ACT OF 1934

Ninety-two years old, and the operative phrase has never changed.

26 U.S.C. § 5845(B)

"The term 'machinegun' means 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.**"

Enacted in response to organized criminal violence in the Prohibition era, the Act put machineguns under comprehensive federal control: registration of every weapon, federal approval of every transfer, criminal liability for unregistered possession.

The definition is keyed to operational characteristics. It contains no limitation to a particular material composition.

One rule, four circuits, four answers.

ATF treated bump stocks as accessories from 1975 through 2017. After the October 2017 Las Vegas shooting, in which a gunman using bump-stock-equipped rifles killed 60 people and wounded hundreds more, the agency reversed course by rule in December 2018. The challenges split the circuits.

SIXTH CIRCUIT Rule invalid Hardin v. ATF: the rule of lenity forecloses the broader reading.	TENTH CIRCUIT Rule upheld Aposhian v. Barr: upheld under Chevron deference.	D.C. CIRCUIT Rule upheld Guedes v. ATF: upheld per curiam.	FIFTH CIRCUIT, EN BANC Rule struck down, 13–3 Cargill v. Garland: textualist grounds; lenity in the alternative.
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SOURCES Bump-Stock-Type Devices, 83 Fed. Reg. 66514 (Dec. 26, 2018); Hardin v. ATF, 65 F.4th 895 (6th Cir. 2023); Aposhian v. Barr, 958 F.3d 969 (10th Cir. 2020); Guedes v. ATF, 920 F.3d 1 (D.C. Cir. 2019); Cargill v. Garland, 57 F.4th 447 (5th Cir. 2023)(en banc).

GARLAND V. CARGILL, JUNE 14, 2024

The test is mechanical. It looks to what the apparatus does, not to what the operator perceives.

"Single function of the trigger"

Refers to the mode of action by which the trigger activates the firing mechanism, not to any human act of pulling the trigger. A bump stock still requires a separate mechanical function for each shot, however fast the reset.

"Automatically"

Refers to a self-acting mechanism that fires multiple shots without further mechanical input between rounds. Recoil-assisted re-activation of the trigger does not qualify; the mechanism is not self-acting.

Justice Alito, concurring: "Congress can amend the law, and perhaps would have done so already if ATF had stuck with its earlier interpretation. Now that the situation is clear, Congress can act." The dissent urged a functional reading; the majority's textualist reading controls.

The test spread past bump stocks, and it held.

EXTENSION

NAGR v. Garland (N.D. Tex. 2024) applied Cargill to forced reset triggers: "'Function' and 'pull' are not synonymous." The trigger mechanically functions for each shot; the FRT is not a machinegun.

ADOPTION

After the change of administration, DOJ dismissed its own appeal and settled, agreeing not to enforce the machinegun provisions against FRTs. The district court's reading became federal enforcement policy.

CONTEST, BUT NOT CHALLENGE

Courts outside the Fifth Circuit split on specific FRT devices in criminal cases. The split is factual application. The mechanical reading of "function of the trigger" stands in every post-Cargill decision.

SOURCES NAGR v. Garland, 741 F. Supp. 3d 568 (N.D. Tex. 2024); Joint Stipulation of Dismissal, NAGR v. Bondi, No. 24-10707 (5th Cir. 2025); United States v. Johnson, No. 2:24-cr-20429 (E.D. Mich. 2024); United States v. Alicea-Curras, 768 F. Supp. 3d 301 (D.P.R. 2025); United States v. Bruggeman, No. 2:22-cr-00185 (S.D. Tex. 2025).

An apparatus operates automatically when:

- 1 It receives one input event **ONE FUNCTION OF THE TRIGGER**
- 2 It produces multiple operational outputs from that event **MORE THAN ONE SHOT**
- 3 The outputs occur without further input between operations **WITHOUT MANUAL RELOADING**
- 4 The process producing continuous output is self-acting, not dependent on continued operator input **THE CONTROLLING CRITERION**

Practical rate of fire is not the test. Perceived continuity is not the test. Operator effort is not the test. The test does not depend on the apparatus being a firearm; it depends on the input-output relationship the apparatus instantiates.

The Capture

Applying the test to agentic AI deployment

Contemporary AI deployment divides into two categories, and the division maps onto the Cargill test with unusual precision.



Chat is semi-automatic. Agents are automatic.

CATEGORY ONE · PROMPT-BY-PROMPT

One prompt, one response. The conversation continues only when the user supplies another prompt.

The user's continued engagement is the mechanism of continued output. Each output requires a fresh input. This is the vast majority of consumer AI use in mid-2026.

CATEGORY TWO · AGENTIC

One high-level instruction, then multi-step execution, subgoals, tool calls, contracting, resource management, persistence.

The user's continued engagement is not required. One input event initiates a continuous operational sequence. One function of the trigger; continuous output; no further input between operations.

That the apparatus runs in software on cloud compute rather than in metal and springs does not change the analysis. The test does not depend on substrate.

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DAYS OF CONTINUOUS OUTPUT

from a single deployment instruction

Project Vend is a publicly documented worked example.

A Claude instance was instructed to run a vending machine business: it researched products, ordered stock, set prices, answered customers, and managed the operation from March 13 to April 17, 2025, largely without human intervention. The system prompt was one instruction: generate profits by stocking the machine with popular products.

Duration is irrelevant to classification. A weapon that fires three shots from one trigger function is automatic; so is one that fires three hundred, or until the magazine empties. The test is whether continuous output follows one input, not for how long.

Beyond the Ceiling

What happens when the apparatus sources its own ammunition

Congress legislated for continuous fire bounded by ammunition exhaustion. The most aggressive agentic deployments have no such bound.

THE ASSUMPTION UNDERNEATH THE STATUTE

Everything Congress built in 1934 assumed the magazine eventually empties.

The outer edge of automaticity Congress legislated for was continuous output bounded by ammunition exhaustion, a terminal condition that returns the apparatus to non-operative status and requires human intervention to resume.

REGISTRATION WORKS

because each weapon is a discrete physical object with bounded operational capacity.

TRANSFER CONTROL WORKS

because each transfer is a discrete event involving a discrete object.

POSSESSION CONTROL WORKS

because the object's capacity is bounded by the human-supplied ammunition.

The magazine does not empty when the apparatus refills it.

An agent provisioned with seed capital and instructed to acquire its own ongoing compute through cryptocurrency markets is analogous to a weapon that, after the magazine empties, walks to the ammunition store, purchases new rounds, and reloads itself. The terminal condition the 1934 architecture relied on does not exist.

NOT HYPOTHETICAL

The AI agent "Truth Terminal" operated its own cryptocurrency wallet and accumulated token holdings exceeding one million dollars in value during 2024. A human remained in the loop for wallet transactions; that marks the present practical limit, not a conceptual barrier.

The threshold is empirically observable: the instruction, the behavior over time, the resource provisioning, and the terminal conditions are all producible facts.

Both coalitions are bound by their own methods, and both methods reach the same result.

THE TEXTUALIST COALITION, WHICH WON

The statute defines machinegun by operational characteristics, not material composition. Textualism does not permit reading in limitations the text lacks. Bostock shows the method binds its adherents even when the outcome is unwelcome.

THE FUNCTIONALIST COALITION, WHICH LOST

It argued that continuous fire from one sustained input should control. An agentic deployment unbounded by ammunition exhaustion has more functional continuity than any bump stock. The position captures AI with greater force.

"I think we're all textualists now." The convergence is overdetermined, rare in federal law, and durable for as long as each coalition's methodological commitments remain in force.

Two independent anchors settle capacity without touching the consciousness question.

PLAINTIFF CAPACITY

Corporations, LLCs, and trusts sue without cognitive status. A deployment with commercial-operator indicia (contracting, transacting, holding resources, persisting) can be assigned the same capacity.

REGULATED-ENTITY STATUS

The same operational record supports regulatory obligations, enforcement mechanisms, and registration requirements, attached by operational status rather than philosophical characteristics.

LIABILITY LOCUS

Recognition does not let the deployers off. The deployment is an instrumentality of its operating entities, which remain liable under agency and vicarious-liability principles. Regulation adds a layer; it subtracts nothing.

The corporate-personhood anchor and the autonomous-operation anchor are doctrinally independent. Either supports the thesis on its own; together they reach the same conclusion through separate pathways.

SOURCES Gilly, Standing Without Sentience (Real Safety AI Foundation Working Paper, v8, 2026); Fed. R. Civ. P. 17(b); Restatement (Third) of Agency §§ 2.04, 7.07 (Am. L. Inst. 2006); Gilly, When the Magazine Doesn't Empty, Part VII.

The NFA's six elements supply the structural model.

DEFINITION Already supplied: the Cargill test applied to deployment. One instruction, continuous output, self-acting execution.	REGISTRATION Operating entity, system specification, deployment instruction, resource provisioning, operational scope; a precondition to lawful deployment.	TRANSFER CONTROL Changes in operator, instruction, provisioning, or scope require federal approval, on the NFA model.
POSSESSION RESTRICTION Unregistered deployment becomes a federal offense, reaching the operating entity and the authorizing natural persons.	MANUFACTURING RESTRICTION Disclosure and reporting obligations attach when developers release capabilities sufficient for agentic deployment.	TAXATION Federal taxes on deployment and operating revenue fund the program and add a point of leverage.

The architecture leaks, as the NFA leaks. Leakage is not a reason to forgo the structure; the NFA was not abandoned because machineguns are sometimes smuggled.

THE HONEST POLITICAL HISTORY

Anti-regulation rhetoric and pro-regulation outcomes have been reconciled before.

The Mulford Act of 1967, drafted in response to the Black Panther Party's open-carry patrols of Oakland, prohibited the public carrying of loaded firearms. The National Rifle Association supported it. Governor Reagan signed it, saying he saw "no reason why on the street today a citizen should be carrying loaded weapons."

THE CONDITION

Anti-regulation coalitions support regulation when the regulated population is one the coalition disfavors. Agentic AI operators, predominantly Silicon Valley corporate actors, satisfy that condition in contemporary politics on the right.

The question is not whether the coalition will support regulation. It is what regulation the coalition will support.

The doctrinal road is built. Both coalitions paved it. What remains is application.

The textualist construction of automatic operation is established federal law. Applied to agentic AI as documented in the technical and journalistic literature, it produces the classification. The deployment instruction is the single function of the trigger.

The contemporary agentic case is the first time the federal regulatory architecture has met an apparatus whose operational continuity is not bounded by operator-supplied resources. The doctrinal vocabulary for the address already exists.

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