

## **Bump stock ban takes effect Tuesday amid lawsuits, questions about whether it can be enforced**

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WASHINGTON — Bump stocks — attachments that essentially turn semi-automatic rifles into machine guns — will be banned across the U.S. starting Tuesday.

Experts say enforcing the ban will be a problem, and several lawsuits seeking to halt it have already been filed. One came Monday from Michael Cargill, a gun rights activist and the owner of Central Texas Gun Works in Austin.

Under an order signed in December by then-acting Attorney General Matthew Whitaker, owners of the devices face a Tuesday deadline to either destroy or take the devices to an office of the Bureau of Alcohol, Tobacco, Firearms and Explosives. The federal rule reclassifies bump stocks — most of which were made in Texas — as “machine guns” no matter where purchased, and possessing one will be a felony.

The battle over bump stocks became political after the Oct. 1, 2017, massacre of 58 people by a man using rifles fitted with bump stocks in the deadliest mass shooting in modern U.S. history. President Donald Trump had called for the ban following the shooting at a country music concert in Las Vegas, saying it would happen in “two or three weeks,” but the process to enact the ban took almost a year and a half.

The ATF estimated that more than half a million people owned bump stocks in a report released last March for the then-proposed ban. The report found that 2,281 retailers and two manufacturers would be affected by a ban, which was expected to cost the industry, public and government more than \$200 million over 10 years.

Even though the devices are banned, enforcing the rule will be difficult, said Adam Winkler, a UCLA law professor who has studied firearms issues. There won't be raids or police going around searching for bump stocks, he said. Unless someone commits a crime and is in possession of a bump stock, it's unlikely that the devices would be found.

“You can make it illegal, but it will be pretty hard to stop,” Winkler said.

Nathan Allen, a 30-year-old from Houston, bought a bump stock shortly after the Las Vegas shooting because he figured a ban would be enacted. He did not expect the ramifications that followed.

“This put a whole company out of business. It's a little silly,” Allen said.

Slide Fire Solutions, a small company outside Abilene, was thrust into the national spotlight after it was discovered most of the bump stocks used in the Las Vegas shooting came from there.

Slide Fire closed its online store in June and referred customers to a Fort Worth-based company, RW Arms.

That company did not respond to emails or phone calls from The Dallas Morning News. Bump stock products were still listed on its website, along with a countdown timer to when the ban takes effect.

### Gun stores

Some Texas gun store owners are not worried about the effect of the federal rule on their business.

Chris Kurzadkowski, owner and founder of Battle Rifle Co. in Houston, said his store does not sell bump stocks. Customers who really want one have to go somewhere else, he said. The reasoning for the decision not to sell them is the wear and tear the product has on guns over time.

“It will literally shake the gun apart,” Kurzadkowski said. “I’m a firm believer in the Second Amendment, but I’m a firm believer that guns should operate in a way it’s supposed to.”

Jose Jimenez, owner of Armadillo Gun Store and Range in Collin County, said he does not expect the store to lose revenue from the ban because it doesn't carry bump stocks. Jimenez guessed he sold two bump stocks in the last five years.

The National Rifle Association did not support the ban but also did not raise many issues with it.

But some supporters had issue with how the NRA handled the matter.

“It almost turned me against the NRA,” said CJ Grisham, president of gun rights group Open Carry Texas. “They are playing politics instead of being true defenders of gun rights. They are willing to make sacrifices to overcome this leftist narrative that they are extreme.”

Grisham has been vocal on issues in recent years related to campus and open carry laws in Texas. He is also a bump stock owner who is prepared for a battle.

Grisham said he will keep his bump stock.

“I don’t believe the ATF ban is legitimate,” Grisham said. “The day it goes into effect, I’ll probably make a video holding it.”

### Legal fight ahead

Trump’s support for the ban meant Republicans in Congress did not have to push for one, said Winkler, the UCLA professor.

“This was all [Senate Majority Leader Mitch] McConnell and the NRA’s drafting — don’t force Congress to vote on the bump stock ban,” Winkler said. “Kick it to the ATF knowing full well, in this political context, it wouldn’t survive.”

Since the announcement of the ban, a handful of groups have filed lawsuits challenging it, saying only Congress can ban the devices.

"Congress — and only Congress — can convert lawful activity into unlawful activity," Cargill said in a news release Monday announcing his lawsuit. "But Congress has not banned bump stocks, so the ATF's rule violates the Constitution."

Gun Owners of America, a gun advocate group and lobbying organization, filed a lawsuit in December against the Trump administration, also arguing the ban was unconstitutional and illegal.

"These dangerous regulations can go much farther than just bump stocks," said Erich Pratt, the group's executive director. "The goal of the anti-gun left is, ultimately, not just banning bump stocks but rather putting 'points on the board' toward its goal of banning civilian ownership of all firearms."

The suit seeks an injunction to prevent the regulation from going into effect, Pratt said. It also describes the ATF's reclassification of bump stocks as machine guns as an "irrational decision, unsupported in either law or fact" and accuses Trump of bowing to political pressure.

At the end of February, gun rights groups suffered a defeat when a federal judge sided with the Trump administration and denied a temporary injunction against the ruling.

Last week, a 10th Circuit Court of Appeals judge sided with a Utah man and granted a temporary injunction allowing him to keep his bump stock for now.

Josh Blackman, an associate professor at South Texas College of Law who filed an amicus brief with the Cato Institute challenging the ruling, said the debate is not simply just a gun issue. Another argument is whether Whitaker had the authority to make the decision as acting attorney general.

"That's a threshold question, because if he wasn't, then the entire regulation is invalid," Blackman said. "Maybe [Attorney General William Barr] reaches a new conclusion. Politics are a little different now, but with Trump, who knows."