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## COMMENT

### THE HAMMER STRIKES AND THE GAVEL FALLS: THE ATF'S RECKONING WITH BUMP STOCKS

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#### Introduction

*Garland v. Cargill* presents the Supreme Court's first opportunity to review and opine on the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) promulgation of regulations banning bump stock devices.<sup>1</sup> These devices, which have become increasingly popular, enable an operator to effectively transform a semi-automatic rifle into a weapon capable of achieving a rate of fire similar to that of a machinegun by simply attaching the device to the firearm's stock. This readily available and simple modification has prompted regulators to attempt to rein in its use in the consumer market and violent crimes. The Court granted

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\* Juris Doctor Candidate, Oklahoma City University School of Law, May 2026. I want to begin by dedicating this work to my parents, Cherie and Tracy Norman. Their unwavering love, support, and commitment to helping me achieve my dreams have been instrumental in my journey. Additionally, I would like to express my gratitude to my close friends, family members, and my younger brother, Cooper, who have been by my side while I pursued my J.D. Lastly, I would like to extend my thanks to each member of the Oklahoma City University Law Review for their role in making this publication possible.

1. *See generally* *Garland v. Cargill*, 602 U.S. 406 (2024).

certiorari to resolve a circuit “split among[st] the Courts of Appeals” and deliver a consistent ruling concerning the stock’s legality.<sup>2</sup> Although numerous statutes aided the Court in its determination, the National Firearms Act of 1934 and the Gun Control Act of 1986 provided considerable guidance and are the focus of this Comment.<sup>3</sup>

This case will likely be the first of many regarding the legality of weapon accessories and modifications. Despite the bump stock’s popularity amongst firearm enthusiasts, it also fell into the hands of violent criminals. And in the wrong hands, this device caused one of the deadliest mass shootings in the United States. In 2017, a Las Vegas gunman used semi-automatic rifles equipped with bump-stock-style devices to target a nearby crowd, killing fifty-eight and wounding 500 people.<sup>4</sup> Shortly after the tragedy, the ATF, rather than Congress’s unsuccessful efforts to achieve an outright prohibition, acted unilaterally by banning the devices, classifying them as “machineguns.”<sup>5</sup> But what is presented and debated throughout *Garland v. Cargill* is the Court’s attempt to discern Congress’s legislative intent in the National Firearms Act and the Gun Control Act: the same language relied upon by the ATF when interpreting these devices as machineguns. Specifically, the Court undertook the task of defining “function of the trigger,” “automatically,” and how a bump-stock-style device interacted with a semi-automatic rifle’s operation.<sup>6</sup>

But this case also presents an unwritten problem: the strenuous task that courts and regulators face with the increasing popularity of bump stocks and weapon modification devices. This unspoken concern is evident not only in how the Court discusses the ATF’s feud with bump stocks but also in the growing market of alternative firearm devices that achieve the same effect through different designs.<sup>7</sup> The consumer market is overflowing with machinegun conversion-style weapon devices, leaving Congress and the ATF struggling to regulate as quickly as these devices hit the market.

This Comment begins with an overview of the two relevant statutes the Court used throughout its opinion: the National Firearms Act and the

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2. *Id.* at 415.

3. *Id.* at 410.

4. *Id.* at 412.

5. *Id.* at 412-14. *See* 26 U.S.C. § 5845(b) (defining “machinegun” as “any weapon which shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger”).

6. *Id.* at 415-16.

7. *See generally id.*

Gun Control Act. Then, the *Cargill* case is objectively discussed in depth, covering the facts, procedural history, and the Court's analysis and holding. Finally, this Comment concludes with remarks on the case and its implications for the future of firearm regulation.

## I. Background

### *A. The National Firearms Act of 1934, 26 U.S.C. § 5845*

The statutory provision central to this case is 26 U.S.C. § 5845, contained in the Internal Revenue Code. The National Firearms Act's principal purpose was to eliminate the number of deadly machineguns and devices used in violent crimes and to establish a regulatory scheme whereby the federal government could enforce its provisions.<sup>8</sup> These devices consisted of short-barreled shotguns and rifles, machineguns, suppressors, and explosive devices.<sup>9</sup> Section 5845 defines the attributes that classify a weapon as a machinegun and outlines the procedures a firearm owner must abide by to register a weapon legally.<sup>10</sup> The predominant issue in this case hinges on the distinction between a machinegun and a semi-automatic rifle. According to 26 U.S.C. § 5845(b),

[t]he 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. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.<sup>11</sup>

Under this Rule—which the ATF followed until it promulgated its newest rule that reclassified bump stocks—a machinegun requires the

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8. 26 U.S.C. § 5845.

9. *Id.* § 5845(a).

10. *Id.* § 5845.

11. *Id.* § 5845(b).

operator only to pull the trigger once. But the distinguishing characteristic of a machinegun is that a single pull of the trigger discharges more than one round automatically without any further operator input.<sup>12</sup>

In contrast, a semi-automatic rifle under the same statute is defined as a weapon that “fire[s] only a single projectile through a rifled bore for each single pull of the trigger.”<sup>13</sup> The key distinction is that a semi-automatic rifle requires the operator to let off the trigger, allowing the trigger to reset before the operator may discharge another round through the rifle.<sup>14</sup> This dissimilarity between a machinegun and a semi-automatic rifle becomes critical when the Court analyzes the functionality of a bump stock and its interaction with the operation of the trigger.

Although the bump stock is considered an external modification to the firearm, given that a firearm owner must alter the gun from its original stock configuration, this modification does not change the internal function of the trigger or trigger assembly itself in any manner.<sup>15</sup> The ATF has previously ruled that an internal alteration to the trigger or trigger assembly of a firearm, which results in its ability to discharge more than one cartridge per trigger pull, does meet the statutory definition of a machinegun under 26 U.S.C. § 5845.<sup>16</sup>

The traditional method of altering an AR-15-style rifle to convert it into a machinegun requires the use of an auto sear. This device requires modifying the original trigger assembly and necessitates milling or machining of the rifle’s lower to accept the auto sear device.<sup>17</sup> Although an auto sear is not at issue in this case, this device appears to be the only weapon modification that the Court, Congress, and the ATF can all agree converts a semi-automatic weapon into a machinegun.

### *B. The Gun Control Act of 1986, 18 U.S.C. § 921*

The Gun Control Act of 1986 was an attempt by Congress to bolster the federal government’s ability to regulate and enforce the provisions of the National Firearms Act.<sup>18</sup> In comparison, the National Firearms Act concentrated primarily on the types of weapons and devices that fell within

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12. *Id.*

13. *Id.* § 5845(c).

14. *Id.*

15. *Garland v. Cargill*, 602 U.S. 406, 421 (2024).

16. 26 U.S.C. § 5845.

17. 27 C.F.R. § 179.11 (2002).

18. *Garland*, 602 U.S. at 432 n.1.

its ambit. Although the Gun Control Act's primary purpose was to complement the National Firearms Act, it established independent compliance procedures, including licensing for firearm dealers and registration procedures for purchasing and transferring weapons.<sup>19</sup> The Gun Control Act attempted to keep weapons capable of mass destruction out of the hands of criminals or those who otherwise should be disqualified from gun ownership. Furthermore, the Gun Control Act required strict adherence to selling and transferring only weapons with a serial number on the firearm—an attempt to assist the federal government in tracking the weapon if necessary.<sup>20</sup>

Despite the Gun Control Act's revisionary relationship to the National Firearms Act, many of its provisions remained unaltered. One such provision is the definition of a machinegun adopted from the original legislation's language under the National Firearms Act.<sup>21</sup> Complementary legislation, for instance, 18 U.S.C. § 922(o), establishes the requirements for transferring and registering a machinegun for an individual's possession, providing the federal government with additional enforcement mechanisms under the Gun Control Act.<sup>22</sup> The National Firearms Act of 1934 and the Gun Control Act of 1986, in conjunction, gave the federal government broad sweeping authority to regulate and contain the use of any weapon or destructive device within the provisions of either statute.<sup>23</sup>

## II. *Garland v. Cargill*

### A. *Facts*

The ATF subsequently took action after October 2017, when the gunman in the Las Vegas shooting used the device to take the lives of fifty-eight people, by amending its previous regulation to prohibit the use of bump stocks—a firearm accessory that allows an operator to fire multiple rounds more rapidly than traditional methods of firearm use.<sup>24</sup> Just a few months prior to the attack, the ATF in April of 2017 clarified that a bump stock does not convert a conventional semi-automatic rifle into a

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19. 18 U.S.C. § 921.

20. *Id.*

21. 27 C.F.R. §§ 478.11, 479.11 (2012).

22. 18 U.S.C. § 922(o).

23. *See generally* The National Firearms Act, 26 U.S.C. §§ 5801-5872 (2024); *see generally* Gun Control Act of 1986, 18 U.S.C. §§ 9212-928 (2024).

24. *Garland*, 602 U.S. at 411-12.

machinegun because the rifle does not operate automatically after the initial trigger pull: it still requires the operator to pull the trigger each time.<sup>25</sup> Despite the ATF's consistent opinion years prior that the bump stock did not convert a semi-automatic rifle into a machinegun, the immense amount of public pressure caused by the Las Vegas shooting forced the ATF to take a different course. The newly promulgated ruling required gun owners who had previously purchased the bump stock accessory to surrender the devices to local law enforcement or to destroy the items within ninety days after the ruling took effect.<sup>26</sup>

The ATF was not the only governmental entity to respond to the public's reaction to the attack. Congress similarly attempted to pass legislation to ban bump stocks.<sup>27</sup> But Congress was unsuccessful in its attempts—even in the numerous attempts made years later.<sup>28</sup> Despite Congress's efforts to pass legislation, the ATF amended its previous regulation on bump stocks during the proposed congressional legislation and produced the final Rule.<sup>29</sup> The final ruling was issued in 2018 and modified the previous statute 26 U.S.C. § 5845(b), which now states:

[T]he term “automatically” as it modifies “shoots, is designed to shoot, or can be readily restored to shoot,” means functioning as the result of a self-acting or self-regulating mechanism that allows the firing of multiple rounds through a single function of the trigger; and “single function of the trigger” means a single pull of the trigger and analogous motions. The term “machinegun” includes a bump-stock-type device, i.e., a device that allows a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of the semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.<sup>30</sup>

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25. *Id.* at 412.

26. Final Rule, 83 Fed. Reg. 66530 (Dec. 26, 2018).

27. *Id.* at 66519.

28. *Id.*

29. *Id.* at 66513.

30. Final Rule, 83 Fed. Reg. 66553-66554 (Dec. 26, 2018).

The Rule, promulgated in 2018, replaced the ATF's prior ruling from 2017 and earlier years, which used the exact language of the National Firearms Act of 1934, 26 U.S.C. § 5845(b).<sup>31</sup> The fundamental change in the amended ruling was to reverse the long-held guidance that a bump stock does not convert a semi-automatic rifle into a machinegun.

A bump stock is a device added to an AR-15-style rifle's stock that uses the weapon's recoil to assist the operator's trigger finger in achieving higher rates of fire. The technique of bump firing is not a novel concept and has been around since before the creation of the bump stock device.<sup>32</sup> The bump stock merely increases the operator's ability to attain a faster rate of fire. An operator can bump fire a weapon by placing their trigger finger in a fixed position while the other hand is used to push the firearm forward. After the weapon is shot, it is pushed back toward the operator, which gives the weapon enough time to reset the trigger and chamber the next round.

The forward force exerted by the operator causes the rifle to then "bump" into the operator's finger.<sup>33</sup> The careful balancing results in the weapon's recoil counteracting the forward pressure and decreasing the time an operator would otherwise take to manipulate the trigger each time.<sup>34</sup> Although faster rates of fire are achieved through this technique or the use of the bump stock, each successive round fired requires the operator to pull the trigger. Modifying a rifle by equipping a bump stock does not alter the mechanical function of the trigger or any of its parts.

In contrast, a machinegun is a device in which the operator pulls the trigger once, and the weapon successively fires more than one round or fires continuously. According to 26 U.S.C. § 5845(b), a machinegun is a weapon that can "shoot, automatically more than one shot . . . by a single function of the trigger."<sup>35</sup>

#### *i. Procedural Posture*

The procedural history of the current case exemplifies the difficulty courts face when interpreting language that appears facially unambiguous

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31. *Garland v. Cargill*, 602 U.S. 406, 414 (2024).

32. *Id.* at 411-12.

33. *Id.* at 411.

34. *Id.*

35. *Id.* at 410 (quoting 28 U.S.C. § 5845(b)).

but, in application, creates uncertainty. Michael Cargill first brought the case in the District Court for the Western District of Texas after he surrendered two of his bump stock devices—in compliance with the ATF's ruling.<sup>36</sup> His petition asserted that the "ATF lacked . . . authority to promulgate" the new ruling because semi-automatic rifles equipped with bump stocks are not machineguns as defined under 26 U.S.C. § 5845(b).<sup>37</sup> The district court ruled in favor of the ATF and held that a bump stock aligns with the statutory definition of a machinegun.<sup>38</sup>

On appeal, the court of appeals affirmed the district court's finding that a bump stock fits the statutory definition of a machinegun.<sup>39</sup> But the court of appeals later reversed its decision en banc and ruled in favor of Cargill.<sup>40</sup> The court of appeals held that the language of 26 U.S.C. § 5845(b) was ambiguous.<sup>41</sup> Specifically, the court of appeals concluded that the statute was unclear on whether a semi-automatic rifle that has been modified with a bump stock could be classified as a machinegun.<sup>42</sup> Yet the court held in favor of Cargill because the rule of lenity required that the ambiguity be construed against its drafter.<sup>43</sup> Furthermore, the court of appeals "concluded that a bump stock does not" convert a semi-automatic rifle into a machinegun because the rifle does not "fire more than one shot" per pull of the trigger—an issue the Supreme Court would engage with throughout its determination of the case.<sup>44</sup> The Supreme Court granted certiorari to address the circuit split.<sup>45</sup> After hearing oral arguments, the Supreme Court held in a 6-3 decision that "a semiautomatic rifle equipped with a bump stock is not a 'machinegun' because it cannot fire more than one shot 'by a single function of the trigger.'"<sup>46</sup> The Court further held that the "ATF therefore exceeded its statutory authority by issuing a Rule that classifies bump stocks as machineguns."<sup>47</sup>

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36. *Id.* at 414.

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.* at 415.

45. *Id.*

46. *Id.*

47. *Id.*

*B. Court's Reasoning*

The Supreme Court's majority opinion in *Cargill* ruled that bump stocks do not transform a semi-automatic rifle into a machinegun under the National Firearms Act.<sup>48</sup> Consequently, the ATF had exceeded its authority when it amended and issued a new ruling that categorized semi-automatic rifles equipped with bump stocks as machineguns.<sup>49</sup> The Court advanced two primary reasons for its decision. First, semi-automatic rifles equipped with bump stocks cannot discharge more than one round from a single pull of the trigger.<sup>50</sup> Second, even if the rifle could fire more than one round per trigger pull, it would not have done so automatically—the operator must maintain the proper balance to utilize the bump stock.<sup>51</sup>

The Court began its analysis with statutory interpretation by defining crucial words from the congressional language. The Court's primary concern was the phrase "function of the trigger."<sup>52</sup> The function of an AR-15-style rifle requires the operator to pull the trigger and then disengage the trigger before another round can be fired from the rifle.<sup>53</sup> Even if an operator fires a round and continues to depress the trigger, the control group, specifically the disconnecter, prevents another round from being fired until the trigger is released and reset.<sup>54</sup> The ATF conceded that the rifle's cycle, whereby an operator fires a round and releases the trigger for it to reset before firing another round, constitutes a "single function of the trigger."<sup>55</sup> Under the ATF's guidelines, a semi-automatic rifle without a bump stock—the configuration and function of the rifle just described—is not considered a machinegun because the firearm will only fire one round per pull of the trigger.<sup>56</sup> Thus, the only issue presented was how the bump stock modifies the functionality of the rifle itself.

Although the bump stock does not alter the functionality of the trigger or its components, the ATF argued that a bump-stock-equipped semi-automatic rifle still constitutes a machinegun under the statute. But the Court disagreed with the ATF's position; instead, the Court reasoned that

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48. *Id.* at 426-27.

49. *Id.* at 415.

50. *Id.* at 415.

51. *Id.* at 427.

52. *Id.* at 416.

53. *Id.* at 417-21.

54. *Id.* at 417.

55. *Id.* at 421.

56. *Id.* at 416.

the rifle's cycle remains the same when a semi-automatic rifle is modified with a bump stock.<sup>57</sup> The Court further concluded that the purpose of a bump stock is not to alter the operation of the cycle but rather to increase the speed at which the operator can fire the weapon—even with a bump stock equipped, a semi-automatic rifle will only fire one round per “function of the trigger.”<sup>58</sup> The Court's interpretation of the operation concerning the rifle supports its holding that a rifle modified with a bump stock is not considered a machinegun per 26 U.S.C. § 5845(b)'s statutory language.

The dissent, authored by Justice Sotomayor, offers a differing perspective concerning the firearm's operation and what constitutes a “single function of the trigger.” According to the dissent and the ATF, in some respects, to utilize a bump stock, the operator must only pull the trigger once and needs no further manipulation to continue its operation.<sup>59</sup> The dissenting Justices' perspective, which aligns with that of the ATF, views the operation as a sequence in which the only item necessary to initiate it is a single pull of the trigger, and the firearm's recoil sustains its continuous operation.<sup>60</sup>

The majority rebuts these claims by asserting that 26 U.S.C. § 5845(b) only defines the operation of a machinegun based on how many shots are fired after the operator engages the trigger, not how the trigger is engaged.<sup>61</sup> The critical inquiry is how many rounds are fired after the trigger has been engaged. According to the majority, even with a bump stock equipped, a single pull of the trigger results in the firing of one cartridge.<sup>62</sup> Under 26 U.S.C. § 5845(b), a firearm is considered a machinegun if it shoots *automatically* more than one round from a single manipulation of the trigger.<sup>63</sup> Expressed differently, if the firearm necessitates more than a single pull of the trigger to expend multiple cartridges, then the firearm is not a machinegun under the statute's definition.<sup>64</sup> For a bump stock to properly function, the operator must apply a forward force to the rifle, causing it to cycle quickly, in addition

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57. *Id.* at 421.

58. *Id.*

59. *Id.* at 443 (Sotomayor, J., dissenting).

60. *Id.* at 422.

61. *Id.*

62. *Id.* at 423.

63. *Id.* at 424 (citing 26 U.S.C. § 5845(b)).

64. *Id.*

to manipulating the trigger.<sup>65</sup> By definition, the operator must perform more than just the act of pulling the trigger to force a semi-automatic rifle to fire subsequent rounds.<sup>66</sup> As the majority articulated, “while a fully automatic rifle fires multiple rounds ‘automatically . . . by a single function of the trigger,’ a semiautomatic rifle equipped with a bump stock can achieve the same result only by a single function of the trigger and then some.”<sup>67</sup>

The dissent’s final argument rests on the statutory presumption that the Court will not render a statute ineffective.<sup>68</sup> The general presumption is that the Court will give full effect to the carefully selected congressional language contained within the statute. This presumption rests on the notion that Congress does not create futile laws.<sup>69</sup> A court’s interpretation of a statute allowing offenders of the statute to persist in their illegal behaviors would cause considerable dissonance between the courts and Congress—undermining the purpose of Congress’s legislation.<sup>70</sup>

Specifically, the ATF argued that Congress’s intent to ban machineguns would be undermined if the Court overturned the ATF’s rule categorizing bump stocks as machineguns.<sup>71</sup> Yet the Court merely narrowed the statute rather than broadened its effect: it did not make it entirely worthless.<sup>72</sup> The majority reasoned that the statute still prohibits the use and ownership of traditional machineguns even without the bump stock ban. Furthermore, the Court was critical of the ATF’s position concerning the narrowing of the statutory meaning, considering that for years the ATF had consistently reiterated that bump stocks are not machineguns.<sup>73</sup> The ATF’s position is incompatible with its prior pronouncement regarding bump stocks, especially considering the ATF, before the current litigation, held the belief that the statute banning machineguns was effective, yet now argues that without the bump stock ban in addition to the machinegun ban, the statute—which it once believed effective—will now be rendered useless.<sup>74</sup>

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65. *Id.*

66. *Id.*

67. *Id.* at 425.

68. *Id.* at 427.

69. *Id.* (citation omitted).

70. *Id.*

71. *Id.*

72. *Id.*

73. *Id.* at 428.

74. *Id.*

Despite its advocacy, the Court was unpersuaded by the ATF's broad interpretation of the National Firearms Act. Specifically, it was unpersuaded by how the ATF defined "single function of the trigger," the term "automatically," and its focus on the operator of the weapon rather than its operation—the primary focus of the statute is on the trigger function.<sup>75</sup> The majority reasoned that a bump stock does not alter the internal functionality of the trigger or the weapon itself. Thus, under the ATF's statutory definition, a bump stock does not convert a semi-automatic rifle into a machinegun because the weapon does not "automatically" shoot more than one round per "single pull of the trigger."<sup>76</sup> Accordingly, the Court determined that the ATF had exceeded its statutory authority, affirmed the decision from the Court of Appeals, and consequently repealed the bump stock ban.<sup>77</sup>

### III. Argument

The Court's decision to affirm the lower court's ruling permitting the use of bump stocks was proper. Given the ambiguity in the language of 26 U.S.C. § 5845(b) of the National Firearms Act and the inconclusive determination regarding the legality of bump stocks from the ATF, the Court was left without any alternative but to interpret the statute considering the discernible legislative intent.

#### *A. Congress's Shortcomings and the ATF's Inconsistent Policy Toward Bump Stocks*

The Court scrutinized Congress's role in enacting and attempting to amend the legislation throughout the case. Yet, to date, Congress has not changed the firearm legislation to make any meaningful impact on the regulation of machineguns or their bump stock counterparts. The Court references Congress's many attempts to pass such legislation banning the use of bump stocks, but its attempts were unsuccessful.<sup>78</sup> Congress's initial legislative proposal occurred shortly after the Las Vegas shooting in 2017.<sup>79</sup> Despite the public endorsement and outcry to ban these devices,

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75. *Id.* at 421-22.

76. *Id.* at 421.

77. *Id.* at 429.

78. *Id.* at 412-13.

79. *Id.*

Congress did not have enough support to enact the proposed legislation. In 2021 and 2023, Congress attempted twice more to pass legislation banning bump stocks.<sup>80</sup> But again, its attempts were unavailing. Only the ATF was able to amend 26 U.S.C. § 5845(b)'s machinegun provision to extend its reach, prohibiting the sale and use of bump stocks—the same amended ruling that was the central issue of the *Cargill* case.<sup>81</sup>

Furthermore, even members of Congress were critical of the ATF's actions in promulgating the new Rule. Senator Dianne Feinstein, a California Senator, was apprehensive of the ATF's ambition and advised that the ATF would exceed its statutory authority if it attempted to promulgate a new Rule banning bump stocks.<sup>82</sup> Moreover, Senator Feinstein anticipated that legislation would be the most suitable recourse.<sup>83</sup> Despite Congress's hesitation, the ATF in 2018 promulgated the new Rule, which classified rifles equipped with bump stocks as machineguns under the newest statutory definition.<sup>84</sup> Once litigation concerning the new ruling was filed, the courts were put in an untenable position—fill in Congress's voids and ascertain the ambiguous statutory language.

For the ATF's position regarding bump stocks, this sudden contrary judgment is not novel. In 2006, the ATF determined that weapons equipped with bump stocks were classified as machineguns under the National Firearms Act of 1934 and the Gun Control Act of 1986.<sup>85</sup> The bump stock devices assessed in 2006 utilized an internal spring in the stock, which bolstered the ATF's determination that this specific type of bump stock, when equipped with a semi-automatic rifle, converts the weapon into a machinegun.<sup>86</sup> Furthermore, the ATF supported its conclusion, considering the spring-assisted bump stock's ability to harness the momentum from the weapon's recoil—allowing the weapon to fire more than one cartridge from a single actuation of the trigger.<sup>87</sup>

Despite the ATF's prior pronouncement in 2006 that semi-automatic rifles equipped with spring-assisted bump stocks are machineguns, the ATF submitted several formal statements from 2008 to 2017 stating that

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80. *Id.* at 413.

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.* at 414.

85. Bump-Stock Style Devices, 83 Fed. Reg. 13442 (Mar. 29, 2018) (codified 27 C.F.R. §§ 447, 478, 479 (2022)).

86. *Id.*

87. *Id.*

bump stocks did not reclassify a semi-automatic rifle into a machinegun.<sup>88</sup> During this period, a manufacturer of a bump-stock-style device—similar to one later involved in the 2017 Las Vegas shooting—submitted its own variant of a bump stock. The ATF determined that this manufacturer’s device, along with others, did not convert a semi-automatic rifle into a machinegun.<sup>89</sup>

The ATF, throughout its multiple letter rulings, provided differing reasoning to support its conclusion that these devices were not machineguns. For some rulings, the ATF determined that these devices did not alter the internal mechanisms of the weapons and thus could not fire automatically without further operator input.<sup>90</sup> Yet the ATF’s other rulings declared that these modified semi-automatic rifles were not machineguns because they did not continually fire until either the operator released the trigger or the weapon expended all its ammunition.<sup>91</sup> Although these decisions did not contain a comprehensive analysis concerning the term “machinegun,” the ATF still made binding public statements that were relied upon and trusted by the firearm community.<sup>92</sup>

The ATF’s unpredictability has wide-reaching consequences outside its office doors. With each new contradictory promulgation or amendment to its prior ruling, the ATF criminalized law-abiding firearm owners overnight. Although it is laudable for an agency such as the ATF to correct a misinterpretation or rewrite irreconcilable rulings, the actions of the ATF do not represent a minor clerical error. Instead, it demonstrates the ATF’s inability to take a consistent stance on a device that has not changed substantially in form or function since the ATF reviewed and made its first declaration in favor of the devices in 2006,<sup>93</sup> especially considering that several new rulings the ATF has promulgated since 2006 are not a slight modification but rather an entire reversal of the prior decision—creating a burdensome task for firearm owners ensuring their own compliance and for law enforcement agencies tasked with enforcing these regulations.

Under the National Firearms Act of 1934, 26 U.S.C. § 5861(d), it is illegal for an individual to possess or transfer a machinegun that is not

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88. *Id.*

89. *Id.*

90. *Id.*

91. Bump-Stock-Type Devices, 83 Fed. Reg. 66514 (Dec. 27, 2018) (codified at 27 C.F.R. §§ 447, 478, 479 (2022)).

92. Bump-Stock Style Devices, 83 Fed. Reg. 13442 (Mar. 29, 2018) (codified 27 C.F.R. §§ 447, 478, 479 (2022)).

93. *Id.*

appropriately registered with the federal government.<sup>94</sup> The machinegun must be registered in the National Firearms Registration and in the Transfer Record, which is managed by the Secretary of State pursuant to 26 U.S.C. § 5841.<sup>95</sup> Furthermore, failure to register a machinegun carries severe legal consequences under 26 U.S.C. § 5871, which states: “[a]ny person who violates or fails to comply with any provision of this chapter shall . . . upon conviction, be fined not more than \$10,000, or be imprisoned not more than ten years, or both.”<sup>96</sup>

Despite the severe penalty for failure to register, the ATF’s regulations mandate procedures firearm owners may take to comply with the new ruling. Owners of bump stocks may either destroy the device themselves or surrender the device to their local ATF office. However, these procedures must be followed within ninety days of the rule’s publication in the Federal Register to prevent criminal prosecution or fines.<sup>97</sup> Regardless of compliance procedures, the most unsettling facet of the ATF’s fluctuating position regarding bump stocks is the penalty borne by law-abiding citizens who risk potentially becoming felons at the mercy of the ATF’s inconsistent rule-making. Whilst the concern regarding bump stocks was settled in *Cargill*, what remains unclear is how many other weapons, devices, and modifications remain out of the sight of the ATF and the Court.

*B. Forced Reset Triggers, 3D Printers, and Auto Sears: Where to Draw the Line*

As Justice Sotomayor expressed in her dissenting opinion in *Cargill*, firearm manufacturers and weapon enthusiasts are finding legal loopholes to provide for a consumer market willing to circumvent firearm regulations.<sup>98</sup> Bump stocks are merely the emergence of a much larger firearm parts and accessories market. Other devices, such as binary triggers, forced reset triggers, 3D-printed auto-sears, and other mechanisms that will assist a weapon’s operation have flooded the consumer market—overwhelming the ATF and legislators struggling to

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94. 26 U.S.C. § 5861.

95. 26 U.S.C. § 5841.

96. 26 U.S.C. § 5871.

97. Bump-Stock-Type Devices, 83 Fed. Reg. 66514 (Dec. 27, 2018) (codified at 27 C.F.R §§ 447, 478, 479 (2022)).

98. *Garland v. Cargill*, 602 U.S. 406, 445 (2024) (Sotomayor, J., dissenting).

promulgate new regulations.<sup>99</sup> Not only are weapons manufacturers producing these devices, but now, with a modern 3D printer, consumers can print and create weapon parts in the comfort of their homes. Given the extensive network of online forums and the difficulty of tracing 3D-printed weapons, it is unclear whether legislatures and regulators will target weapons manufacturers before attempting far-reaching legislation regulating 3D printing.

*i. Forced Reset Triggers*

The dissent in *Cargill* discussed forced reset triggers during the discourse concerning the functional similarities between a bump stock and a forced reset trigger.<sup>100</sup> But these two devices are not as comparable as the dissent would like to analogize. A forced reset trigger is a drop-in control group modification to a semi-automatic rifle.<sup>101</sup> It is designed to grant the operator the ability to discharge the weapon at a rate of fire comparable to that of a traditional machinegun.<sup>102</sup> A forced reset trigger requires the operator to engage the trigger initially, but thereafter, the trigger is designed to push forward against the operator's finger, rapidly resetting the trigger and completing the rifle's cycle.<sup>103</sup> Considering the forced reset trigger is an internal weapon modification—as compared to the purely external bump stock—the ATF has consistently held that forced reset triggers are machineguns under the National Firearms Act.<sup>104</sup>

The ATF's judgment regarding forced reset triggers as machineguns has also received criticism, and recent litigation in 2023 has created a division amongst several district courts, specifically the Eastern District of New York and the Northern District of Texas, Fort Worth Division. These district courts produced inconsistent holdings upon reviewing the legality of forced reset triggers. In *United States v. Rare Breed Triggers, LLC*, the court held that Rare Breed's FRT-15 is likely a machinegun conversion device, and it granted a preliminary injunction barring Rare Breed from

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99. 18 U.S.C. § 921.

100. *Garland*, 602 U.S. at 443-44 (Sotomayor, J., dissenting).

101. Taylor Rhodes, *Binary Trigger vs Forced Reset Trigger (FRT): A Comprehensive Guide* (Feb. 26, 2025), <https://gunrights.org/binary-trigger-forced-reset-trigger/> [<https://perma.cc/P857-VQ7F>].

102. *Garland*, 602 U.S. at 443-44 (Sotomayor, J., dissenting).

103. *Garland*, 602 U.S. at 444 (Sotomayor, J., dissenting).

104. *Id.*

selling any more devices.<sup>105</sup> In contrast, the district court in *National Ass'n for Gun Rights, Inc. v. Garland* held that the plaintiffs had demonstrated sufficient evidence that the ATF had likely exceeded its authority by expanding the definition of machineguns to include forced reset triggers.<sup>106</sup> The court granted the plaintiff's preliminary injunction to prevent the ATF from enforcing the ruling.<sup>107</sup>

It is not difficult to see the resemblance between these forced reset trigger cases and the lawsuits regarding the legality of bump stocks. In comparison, the Court granted certiorari to hear *Cargill*, desiring to address a split amongst the courts of appeals and establish a clear and consistent ruling. The district courts laid the groundwork for the Supreme Court to address the legality of the forced reset triggers. Although *National Ass'n for Gun Rights, Inc.* was dismissed in July 2024,<sup>108</sup> *Rare Breed Triggers, LLC* appealed to the Second Circuit in October 2023.<sup>109</sup> It is only a matter of time until the Supreme Court may once again decide the legality of machinegun conversion devices.

### *ii. 3D Printers and Auto Sears*

Although there is considerable uncertainty regarding the legality—both present and future—of various firearm devices, one modification has remained illegal since November 1981 under the National Firearms Act: the drop-in auto-sear.<sup>110</sup> An auto-sear is a device that modifies the internal trigger function of various types of weapons, including rifles and handguns. The device is designed to convert a semi-automatic weapon into a machinegun by circumventing the weapon's traditional civilian-grade limitations.<sup>111</sup> For a semi-automatic weapon, the operator must alleviate pressure on the trigger, allowing it to reset before another round may be fired. In contrast, an auto-sear bypasses this limitation and does not

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105. *United States v. Rare Breed Triggers, LLC*, 690 F. Supp. 3d 51, 123 (E.D.N.Y. 2023).

106. *Nat'l Ass'n for Gun Rts., Inc. v. Garland*, 697 F. Supp. 3d 601, 621 (N.D. Tex. 2023).

107. *Id.*

108. *Nat'l Ass'n for Gun Rts., Inc. v. Garland*, No. 23-11138, 2024 WL 4763871, at \*1 (5th Cir. 2024).

109. *United States v. Rare Breed Triggers, LLC*, 690 F. Supp. 3d 51 (E.D.N.Y. 2023), *appeal docketed*, No. 23-7276 (2d Cir. 2023).

110. Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF Rul. 81-4 (Nov. 1, 1981).

111. *Id.*

necessitate a trigger reset.<sup>112</sup> And it allows the operator to continually hold down the trigger while the weapon automatically discharges subsequent rounds with only one pull of the trigger.<sup>113</sup>

Given the hazardous potential of these devices, mere possession of an unregistered auto-sear, even uninstalled on a weapon, is sufficient to violate the National Firearms Act and subjects the possessor to criminal prosecution.<sup>114</sup> Traditionally, these devices were metal and required the weapon to be milled or modified to accept the drop-in device.<sup>115</sup> But with the increasing popularity of 3D printers, these devices can be created out of a plastic composite in just a matter of minutes.<sup>116</sup> Despite the ATF's prohibition of these items, its lack of enforcement and regulation centering around 3D printing has caused these devices to become a prominent item in violent crime.<sup>117</sup> The future of 3D printing weapons is uncertain, given the lack of regulation and the absence of clear guidelines. But the prevalence of these 3D printers, which enable individuals to bypass not only federal law and weapons regulations but also further criminal operations, exemplifies the potential for Congress or the Court to establish regulatory boundaries.

### *C. Current Ideologies of the Court and the Future of Weapons Regulation*

*Cargill* was decided by a 6-3 majority, with Justice Alito concurring and Justices Sotomayor, Kagan, and Jackson dissenting. Given the current ideological divide in the Court, it is unsurprising that a contentious political issue—the regulation of weapons and their accessories—aligns precisely with the Justices' political sentiments. But the Court's ideological landscape does not seem likely to change drastically in the near future. The Court will inevitably hear further cases concerning the regulation of weapon modifications, particularly considering the firearm community's demand for manufacturers to keep pace with the ATF and its promulgations. The only uncertainty is when these cases will be presented to the Court and which Justices will hear them. If the current Justices

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112. *Id.*

113. *Garland v. Cargill*, 602 U.S. 406, 420 n.4 (2024) (Sotomayor, J., dissenting).

114. Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF Rul. 81-4 (Nov. 1, 1981) (active).

115. *Id.*

116. *United States v. Hixson*, 624 F. Supp. 3d 930, 935 (N.D. Ill. 2022).

117. 18 U.S.C. § 921.

remain on the bench when subsequent weapon regulation cases arise, *Cargill* illustrates the significant challenges the ATF and Congress might encounter.

### CONCLUSION

The majority opinion in *Cargill* rests solely on statutory interpretation, seeking to understand how Congress and the ATF have previously defined what constitutes a machinegun under the National Firearms Act. While the statute's criteria for classifying a weapon or device as a machinegun seem facially unambiguous, the Court in *Cargill* closely examined each phrase, defining every word—scrutinizing the ATF for interpreting and relying on the statute's unwritten requirements. Although the Court maintained that the ATF exceeded its authority, Congress has the power to alter the definition of a machinegun and expand its scope or require or demand registration of these devices—potentially undermining the ruling in this case, which concentrated on the narrow interpretation of what defines a machinegun. Despite the uncertainty surrounding the durability of this Court's decision, one aspect remains evident: this will not be the last opportunity for the Court to address an issue related to the ever-expanding firearms manufacturing market—which is eager to exploit any available legal loophole.

