

Attn: Vivian Chu, Mailstop 6N-518

ID: LFG-2018-0012

Office of Regulatory Affairs

Enforcement Programs and Services

Bureau of Alcohol, Tobacco, Firearms, and Explosives

99 New York Avenue, NE

Washington, D.C 20226

Sent via: Mail

April 11th, 2018

Re: ATF 2017R-22, Docket Number

Ms. Chu,

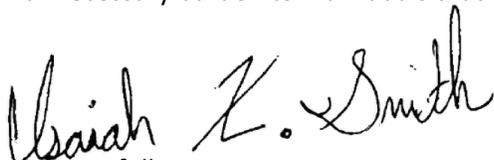
I am submitting this comment in which is in regard and pertaining to ATF 2017R-22, Docket Number. This docket number was established due to the fact that the United States Department of Justice proposes to amend the Bureau of Alcohol, Tobacco, Firearms, and Explosives regulations to clarify that "bump fire" stocks, slide-fire devices, and devices with certain similar characteristics (bump-stock type devices) in which are considered to be "machineguns" as defined by the National Firearms Act of 1934 and the Gun Control Act of 1968, because such devices allow a shooter of a semiautomatic firearm to initiate a continuous firing cycle with a single pull of the trigger. Specifically, the devices convert an otherwise semiautomatic firearm into a machinegun by functioning as a self-acting or self-regulating mechanism that harnesses the recoil energy of the semiautomatic firearm in a manner that allows the trigger to reset and continue firing without additional physical manipulation of the trigger by the shooter.

The Gun Control Act of 1968 with limited exceptions, primarily to government agencies, makes it unlawful for any person to transfer or possess a machinegun unless it was lawfully possessed prior to the effective date of the statute. The bump-stock devices that are covered by the proposed rule were not in existence prior to the Gun Control Act of 1968's effective date. Therefore, the bump-stock type devices would fall within the prohibition on machineguns if this Notice of Proposed Rulemaking is implemented. This would mean that current possessors of such devices would be required to surrender them, destroy them, or otherwise render them permanently inoperable upon the effective date of the final rule. I am not so sure that this agenda item is proper or that it will get the results that it is intended to accomplish. Some will argue that the federal government of the United States is intending to restrict the rights of law abiding citizens and that criminals will be able to take advantage of law abiding citizens whenever guns are banned. While I do not totally agree with that, I do support law abiding citizens of the United States being able to get and to keep guns for their own protection.

It seems as if actions are being taken as to this issue that involves guns after some shootings have occurred in the United States, such as in Las Vegas of the State of Nevada and in the school shootings that have occurred throughout the United States. While I do believe that mass-shootings and school shootings could have been prevented in some cases, I am not so sure that some political figures wanting to ban all guns from everyone, including law-abiding citizens, will truly dissolve gun crime or

that it will stop other forms of crime that occurs. Let me be clear, I do not believe that everyone should have a right to own any type of weapon that is imaginable, and I also do not believe that everyone should have the right to own a gun. I would seriously doubt that the founding fathers of our country would have intended the Second Amendment to the Constitution of the United States to have included that everyone has a right to own any type of weapon imaginable, especially due to the technological and the time difference that we have in comparison to that era. But regardless as to that, I would like to clarify that this agenda item seems a tad bit improper because a bump-stock is a gun accessory and is not a gun, in which has never been banned in the National Firearms Act of 1934 and the Gun Control Act of 1968. Until the Congress of the United States amends the National Firearms Act of 1934 and the Gun Control Act of 1968 to clearly add a bump-stock beyond a reasonable doubt, I believe that it would be improper for the Bureau of Alcohol, Tobacco, Firearms, and Explosives to ban bump-stocks pursuant to the National Firearms Act of 1934 and the Gun Control Act of 1968.

In conclusion, I am not so sure that the intent of docket agenda is proper or that it will actually help stop gun violence in the United States. Criminals will always find a way to get guns and to disobey the rules and they will continue to target law-abiding citizens. This proposed rule will however mandate that individuals across the United States surrender, destroy, or to otherwise dismantle the things that this proposed rule seeks to ban. There are going to be individuals across the United States that will be unwilling to or that want to refuse to surrender, destroy, or to otherwise dismantle the things that this proposed rule is seeking to ban upon the effective date of the final rule. Instead of requiring individuals to turn in the things that they have already legally purchased prior to the final rule being established as to this issue, when it is established, I believe that it would be a good idea to allow individuals to be able to keep the things that they purchased lawfully, prior to the final rule becoming effective. This should be done pursuant to a person's constitutional property interest rights and the state laws that an individual resides in. While it is true that federal law is above state law and that state law cannot conflict with federal law, it should be known that a state that offers more constitutional property interest rights in which would conflict with this final rule by the Bureau of Alcohol, Tobacco, Firearms, and Explosives as to this issue, does have the potential as to creating a confusion among the population and an unnecessary burden to individuals that are law-abiding and who are registered gun owners.


Respectfully,

Isaiah X. Smith¹

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