

Stephen Gutowski (00:03.623)

All right, welcome ladies and gentlemen, another episode of the Weekly Reload podcast. I'm your host, Stephen Katowski. I'm also a CNN contributor and the founder of the reload.com where you can head over and sign up for our free newsletter today. If you wanna keep up to date with what's going on with guns in America, you can also of course, buy a membership that'll get you access to hundreds of pieces of news and analysis you will not find anywhere else and you will of course, be supporting our 100% independent publication.

that we have going here where we take a view of gun news from a sober serious perspective and report on gun policy and politics and culture as well. This week we are doing a question and answer podcast. We got a bunch of questions from our members. That is one of your membership perks. If you choose to join, you get to be the ones who.

send in the questions for these podcast episodes. And so I'm here with contributing writer, Jake Fogelman. Welcome back to, to another one of these Q and a episodes, Jake.

Jake Fogleman (01:09.734)

Yeah, good to be here. I'm excited to, like you said, we haven't done one of these in a little while and it's always good to hear from our members and hear some of the interesting and insightful questions they asked us. And it's always, I think makes for a fun episode. So.

Stephen Gutowski (01:20.783)

Yeah, absolutely. And so we're going to get to those questions. Like you said, I think they tend to be pretty good ones. They have a pretty engaged audience that's very, very smart about this stuff. Very high info kind of folks. Makes sense because they're reload members. But all right, what are we going to start with this week? What do we got first?

Jake Fogleman (01:38.786)

That's right.

Jake Fogleman (01:44.938)

Yeah. So our first question comes to us from Paul, real remember Paul. It's a sort of all about the mechanics of permitless carry. As we've talked about permitless carries now up to 29 states, um, very successful policy push.

Stephen Gutowski (01:54.319)

Yeah. Kind of a surprising, by the way, yeah. Kind of a surprising turn this week on that front that you wrote about it in the reload that South Carolina worked out their differences after it looked like they might not get permitless carry this year. And now we have 29 states, right?

Jake Fogleman (02:12.682)

Yeah, not only did they finally work it out and pass it, but their governor signed it the very next day. So it was like, boom, out of nowhere, all of a sudden they're the 29th state.

Stephen Gutowski (02:19.887)

Yeah, we had Louisiana the week before and now South Carolina. And as you've written for members and members piece, uh, that's probably it for a while. We think, uh, it sure looks like it, at least there's, there's not a lot of political space to expand this policy at this point.

Jake Fogleman (02:32.823)

Ian.

Jake Fogleman (02:37.514)

Yeah, in theory, maybe North Carolina, depending on how the governor's race goes this November, if they can get a Republican, then they'll have a trifecta. But that's not a guarantee. You know, North

Carolina is pretty closely divided. So other than that, I don't see a near term avenue for permanent security to expand.

Stephen Gutowski (02:52.679)

But this question is not about the politics, right? This is sort of a practical question we've got here.

Jake Fogleman (02:57.83)

Right. So he's basically asking for the states that already have permitless carry. How does that work in terms of, you know, permitting? Have they, do they still allow you to get a permit? How does that apply to reciprocity between other states? Will other states still recognize the carry rights of people from permitless carry states? So it's, I think it's an interesting question, right? He also asked if you visit a permitless carry state, do you get to enjoy that? The right to permitless carry when you're in that state. So just practical questions, like you said.

Stephen Gutowski (03:24.015)

Yeah, well the answer to most of those is yes, they still issue permits in basically all of these permitless carry states. You can still go and get a permit and sometimes the permit will have

extra benefits to it like you know you don't have to go through a NICS check if you have a concealed carry permit in some states it's considered a substitute for that process because it involves generally it involves taking a NICS check to get the permit so you know there's sort of a redundancy there that some states eliminate but um yeah and that's exactly why for the most part they will continue to issue permits is if you want to carry in another state that recognizes your home states

permit even though the home state doesn't require you to hold a permit in order to legally conceal carry. So yeah, that's one aspect I think a lot of people aren't as familiar with. When you hear permitless carry, you think, well, they're getting rid of the permits and how is that going to impact people if they want to carry in other states? Well, yeah, usually, almost always, I think you said, when we talked about this before, you said Vermont is the only exception. Just because they never had a permitting system to begin with.

Jake Fogleman (04:33.542)

Right. Yeah. And by precedent, they're not permitted to even offer permits for Kerry just by their state Supreme Court.

Stephen Gutowski (04:34.766)

Um,

Stephen Gutowski (04:40.759)

So, you know, and that can create issues if you, especially if you wanna carry elsewhere. Yeah, and this goes back to one of the major complaints about the way we handle concealed carry permitting in the United States. One of the big complaints from gun rights advocates is that most, you know, there's no national reciprocity. So states don't have to recognize each other's permits. And, you know.

that creates a lot of confusion for some people. You get people who get arrested because they think their permit is good in a neighboring state where it's not. There was a, Shanine Allen is sort of a famous example of this in Pennsylvania, a woman who got her concealed carry permit in Pennsylvania and then went to New Jersey, didn't realize that her permit wasn't good in New Jersey and was arrested.

Jake Fogleman (05:20.865)

Yeah.

Stephen Gutowski (05:35.523)

she had

Stephen Gutowski (06:05.903)

carry state or the same process that they had before they eliminated the permit requirement. And you know, as far as people from other states carrying inside of permitless carry states, usually that there's that applies to anyone, any adults who would carry there, but that's not always the case. There, there are some states that are permitless carry for only for residents. So

Jake Fogleman (06:31.122)

I think North Dakota is one of them. I'd have to double check, but I believe it's one of the, like you said, there's a, the vast majority fall under that category. Most of them will allow anyone who meets legal requirements to permanently carry within their borders, but.

Stephen Gutowski (06:36.197)

Mm-hmm.

Jake Fogleman (06:57.166)

That's right.

Stephen Gutowski (07:02.637)

Right. Yeah.

Stephen Gutowski (07:13.499)

Yeah, and it is kind of a patchwork. And even in permitless carry states, it's not always exactly the same, even though most of them are similar. So whenever you're traveling somewhere, you better make very sure that you understand how the laws work there.

Jake Fogleman (07:26.91)

Yeah, absolutely. But good question. Um, next one comes to us from Julio. It's about sort of a liability question. Uh, and he's asking if, you know, he thinks they'll ever come a time where firearms instructors get kind of roped into this movement to try to attach liability for crimes committed with firearms by third parties. Uh, you obviously see the laws being passed in states to go after gun sellers and get gun businesses. And then very recently you obviously had the landmark.

crumbly case verdict where the parents of a school shooter were found criminally liable for the child's act at that school. And he's basically wondering, the mother, yeah, the father is still having his trial. Yeah. And he's asking, do we foresee a time where firearms instructors will get roped into all of that?

Stephen Gutowski (08:02.699)

Right. Well, the mother was the dad's still on trial.

Stephen Gutowski (08:13.071)

Yeah. And then you also had the armor on the rust set, the Alec Baldwin movie where Alec Baldwin shot accidentally shot that woman during production. She was found liable for that death as well. And yeah, I mean, I think the Out of all those things. I think the crumbly case makes the most interesting thought experiments in this front because that was really a landmark thing where the parents

especially the mother, it seems like, were not really directly involved in the, she wasn't involved in the purchase of the gun. She didn't know about his plans ahead of time. She didn't give him access to the firearm to take with him to the school or anything like that. Obviously there were major warning signs that got ignored by her and the father and the school, it seems like, for instance, the morning of the shooting, the meeting that they had.

that nobody seemed to take that very seriously, at least certainly not anywhere near seriously enough. And four people were killed as a result of that. But it's still something where you wouldn't, hasn't traditionally been attached to a criminal liability, right? The sort of negligence leading to manslaughter. And so, could that expand to other people and in other facets?

uh of life and firearms training firearms trainers i kind of doubt it at this point i like there certainly there's risk involved with being a firearms trainer that somebody you train and a lagama certified uh firearms instructor and if you give somebody very bad advice and they follow through on that advice um

maybe you could become liable in some sense for that. I would think you'd probably end up more in the civil liable, or sort of civil liability suit than criminal liability, but I guess it kind of depends on what you tell the person and what they do. But just having trained somebody responsibly in the, you know, going by the norms or teaching them, you know, to the T out of the book, like the InterAid basic crystal course or something is unlikely, I think, to give you.

Stephen Gutowski (10:33.647)

any level of liability at this point. You probably have to see a change in laws, but I do think the Crumbly case will embolden prosecutors to try and make more cases like that. I just think they're less likely to go after firearms instructors outside of some sort of really extenuating circumstance where there was some sort of incredibly egregious thing that the instructor said or did that can directly be connected to the.

whatever criminal act happens. But I just don't see a general liability coming there. You'd be more concerned, I think, about, if you give bad offhanded legal advice to somebody during a class that you're teaching and they follow through on that, you might be in legal trouble then, but more for a civil liability. And even then, you know.

I haven't heard of a lot of cases like that. I'm sure there must be some where people sued their firearms instructors based on things they told them. But so yeah, I mean, one thing is like, don't do stupid things. Don't say dumb things. Don't give out really terrible advice on like self-defense law, especially if you don't know a lot about it. That would be my major advice. But I wouldn't see something like the crumbly situation coming down the path for firearms instructors.

anytime soon. Certainly not just for anyone who's a responsible instructor, at the very least. If we're just talking about generalized, we're going to go after anybody who teaches a class where a student ends up doing something criminal after the fact, even if the instructor didn't have anything to do with it. I don't see anything like that coming anytime soon.

Jake Fogleman (12:05.28)

Yeah.

Jake Fogleman (12:21.95)

Yeah, no, I agree. That's a good point. And it's worth noting that I don't, I haven't seen any sort of concerted effort to even try to attach stuff to firearms instructors, the way you see it for businesses or sometimes for parents of, I haven't even seen a movement to push for it. So I don't think it's around the corner.

Stephen Gutowski (12:31.44)

Yeah.

Stephen Gutowski (12:34.991)

Yeah, there is, because I will say, like you mentioned there, there is the attempt to attach criminal liability or civil liability, but for the criminal acts of third parties to gun businesses, gun makers and dealers, we haven't seen that expanded to gun trainers. And I wouldn't expect that to happen. That's maybe the other avenue that you might see this happen through. But

Stephen Gutowski (13:03.875)

You know, I mean, it just hasn't been something that they've added. It's not impossible that it could happen, but it's not something I would expect in the near future.

Jake Fogleman (13:14.558)

Yeah, agreed. That's a good question though. It's an interesting thought experiment. Then we got a couple of questions here about the NRA and sort of the uncertain future that lies ahead. Got an interesting question from Steve here who says, he asks, basically what is the current ratio of lifetime members of the NRA compared to total current members? And it's an interesting distinction, right? Because lifetime members, they still stay on the membership roles, but they're not necessarily kicking any more money into the organization. They've already paid their money to become lifetime members.

Stephen Gutowski (13:17.328)

It is, yeah.

Jake Fogleman (13:42.89)

And so the ratio between actual dues paying members and lifetime members matters for the group's finances. So do we have any insight into where that ratio stands?

Stephen Gutowski (13:50.447)

Yeah, we do have a little bit and I'll get to that in a moment. But, but yeah, this is a very important point, I think, because this is one of the main reasons why you've seen the NRA's revenue shrink so much as their membership has shrunk, right? We, we published obviously some internal documents a little while back that showed both of those drops. And, um, that's because a lot of, you know, the NRA really does get its revenue from its members. You know, it's not funded by, uh,

you know, the gun companies are billionaires, not that, you know, there's some funding that comes from the industry. But the bulk of where they get their money is from members. So when they're losing members, they're losing money. And the bulk of that revenue, that membership revenue comes from people who are short term members, who are annual members, three year members, you know, whatever. And.

And you can really see that in there, what you described there, the fact that a lifetime member is not necessarily a source of revenue for the NRA. In fact, it's probably a source of costs because they have to service that member forever, you know, with magazines or whatever other perks come along with the NRA membership. And that person doesn't ever have to pay them any money again. So you know, this is sort of one of the dangers that people talked about with.

aggressive lifetime membership promotions where, you know, they discount the lifetime membership. It'll lock in a lot of people. It'll make your baseline membership higher, but it also is sort of eating future revenue by doing that. Anyway, we do have some insight. Now the NRA membership is kind of like, it's kind of like modern media, where it's like video games or streaming shows.

where you don't really have great insight into how many people actually watch something or actually played a video game these days because you don't have the old school physical media sales numbers that we used to have, right? And so you kind of only get information whenever the company wants to give you information about how well a game or movie did right on streaming.

Stephen Gutowski (16:02.819)

or through the Steam store or something like that. And so NRA membership is kind of like that. There's no legal requirement for them to disclose who their members are, right? It's a 501C4, so it's a nonprofit, but they don't have to disclose their donors or members in this case. And so they don't even have to tell you how many members they have if they don't want to. And we've seen some questionable claims about how many members they've had in the past that don't line up with what their internal documents are saying, but.

One of the ways you can guess at how many members they really have is by looking at the ballots, the number of ballots that have gone out to, in NRA elections. So, you know, here I have, this is the October 2021 meeting of members, the minutes from it. This is the most recent one that has been given out, I

believe. And...

Oh, sorry, here's my bad. 2022. I got all of them from going back several years, right? These they give out these documents at the annual meeting. If you go to it, if you go to the members meeting, you will you'll be given, you know, this various information reports on the organization, its financial health, its election, you know, how many people voted for who in the election, that sort of thing.

Um, and one thing to know about the ballots and the NRA election is only certain types of NRA members can vote in NRA elections. And this is where we get some of that insight. So lifetime members and members who've been had active membership for five or more years are the people who can actually vote in NRA elections and they get sent out by via mail, a ballot from the NRA every year, you know, so you get some idea of what

their lifetime membership is at. And it's a, or I guess the limit of it at the very least. And so in 2022 elections, we'll get the details on 2023 at the annual meeting this year. They're a year behind. And anyway, bottom line, they had 2.56 million ballots sent out that year, which means there's somewhere around 2.5 million.

Stephen Gutowski (18:27.163)

Lifetime members. I mean, obviously there's five year members in there somewhere, and we don't know the breakdown between the two of those, but it's likely, I think, that people are buying more lifetime memberships than they are five year memberships. But that gives you some insight into what the baseline level of support is at.

where it's lifetime members, you can revoke your lifetime membership, I guess, but there's no real incentive for the NRA to remove somebody from their roles or put a lot of effort into figuring out whether a lifetime member is still active in any way or even honestly still alive. If you pass away, how's the NRA gonna know that you're not a member anymore? They're not.

Jake Fogleman (19:12.418)

Right.

Stephen Gutowski (19:14.808)

Unless they go out and survey everybody every year, they're not gonna have exact numbers on these things. But that gives you an idea. And I will say, if the lifetime membership is somewhere around two and a half million, some of the numbers that have been thrown around from NRA board members in recent months are pretty dire then. Because we had a piece a little while back where

Owen Buzz Mills, who is a longtime board member and critic of the current leadership of the NRA, he said that there's somewhere around three million members left. That was his claim, which would put the annual, you know, the anyone under a five year membership at about half a million, which is, which is a remarkable shift and an incredible shrinking.

of the group because they're not going to be able to shrink much below this 2.5 million number in practice. And that's where you really start to be concerned if that's the case. Now Willis Lee, another board member and also a critic of current member leadership, said the number is at 3.8, so that would be a little bit more. And the NRA denied Buzz Mills' number but wouldn't give their own.

estimation. So we don't we don't know exactly how many they have, but that's, I think, a good breakdown. You can also get an idea of membership from magazine distribution. And that's another imperfect number, but most members get the magazine. And so one of the magazines, most will get a couple of magazines, I think, actually. But, you know, that the circulation of the magazines is another way to sort of gauge how many members there are around these days. But

Yeah, that's the best I can do as far as insight into membership. I know it's a little bit long, but these

things are not... It's not an exact science as an outsider trying to figure out how many members are. Apparently, it's not an exact science for even board members either, because you've got competing numbers, but hopefully that gives some clarity.

Jake Fogleman (21:24.959)

Right. Yeah. And sort of along those lines, we have another question about maybe the membership is where it is now, but has there been any chatter about outreach to boost those numbers? And this member asked specifically in the context of gun clubs and gun ranges, many of which have traditionally, it's pretty common to hear local gun ranges will require NRA membership for you to be able to shoot there. And

There's been a trend, at least a small trend of some of them getting rid of that as a policy, just in light of sort of the scandals surrounding the organization. And that's obviously a share of new membership for people, people that want to go shoot, they join the NRA and that's a new source of dues paying members. So has there been any chatter about how to change their outreach strategy or boost those maybe somehow?

Stephen Gutowski (22:13.52)

Yeah, I think that's a really good question because that is like a underappreciated way that the NRA has built up its membership over the years is by really becoming ingrained with shooting ranges all over the country and shooting clubs and incorporating them into their efforts. So if they, and they have been losing some of those, it's not really clear exactly how many or how widespread this is, but I've certainly heard reports of this across the country.

You know, my home state of Pennsylvania, I've heard several people say that their local clubs have stopped requiring NRA membership. And it's obviously a problem for them. But as far as what are they doing to try and recruit new members or try to deal with this setback, or really all of these setbacks put together, honestly, I don't see them doing much of anything in terms of new strategies to bring in members.

Their entire focus at this point seems to be just trying to survive. Excuse me. Survived this legal fight. You know, their leadership right now, you know, Wayne LaPierre resigned, as we know. He's also found liable for five point four million dollars in funds that he took from the NRA by the by the Manhattan jury. And so he's unlikely to come back. But

The leadership is still most of the same Charles cotton is the president. Um, Andrew roll and under his executive vice president. These are people who were long time, Wayne LaPierre supporters and allies, um, who stood by him through all this stuff. And I don't see much distance between him and them at all. Uh, and I don't, I don't even know if they would want people to see it to any distance, distance between him and them. So, uh, they're just sure. It seems like they're just putting everything they have into trying to.

get out of this New York court case with current leadership still intact. That really feels like the ultimate goal. And so there isn't much effort being put into anything else as far as I can see. Certainly nothing new. There's, you know, they've cut to the bone a lot of their core offerings, including safety and training programs. You know, when their revenue drops, they started cutting and they cut everything except for their legal expenses, basically.

Jake Fogleman (24:21.218)

Yeah.

Stephen Gutowski (24:37.419)

And so, yeah, I don't see any, there's no new initiatives that they talk about with getting members. I don't know that their tactics have changed at all. They're still employing, you know, MMP, which is the David McKenzie company that was part of this case. It didn't make it, accusations about them didn't make it to the verdict, but Wayne LaPierre said that the,

David Mackenzie's television production company that had worked with the NRA for four years and kept charging them for a show they no longer made. I'd committed a fraud against the NRA and they're still working with that. I mean, there's nothing has changed since this verdict came down. Now look, there's still a second half of this trial. So I guess they're pinning a lot of their hopes on, on that. And maybe they'll be successful at convincing the judge that they're no further, uh,

reforms are necessary, but yeah, as far as just bottom line, I don't see any specific outreach programs that they've spun up over the last couple of years. If anything, they're spinning things down. But yeah, if anyone has seen new tactics beyond the telemarketing and direct mail stuff they usually use.

or friends of NRA dinners or events like Great American Outdoorship, all stuff they've been doing for a long time. Um, you know, I'd love to hear if anyone has gotten some new pitch or some new program they've seen from the NRA trying to recruit people, but I, I'm not aware of any.

Jake Fogleman (26:17.022)

Yeah, no, I think that's an important point. You know, it's difficult to disentangle new outreach strategies from their just broader organizational strategy, which as you pointed out just hasn't changed. It just quite frankly hasn't changed. And they don't necessarily look like they have the money to try to change it. Um, and as you pointed out, one of the big things they, they cut was their safety and training offerings. And we have another question about

Training offerings and this reload member asks is other alternatives to the NRA and on that front like if someone either a doesn't no longer has NRA offered courses or doesn't want to support the NRA because of the scandal are there other Big players out there offering the same level of safety and training

Stephen Gutowski (26:54.767)

Yeah, this is one of those things about the NRA that I've tried to emphasize in our coverage of them is that even with everything I just said, right, they're still the largest by far in so many areas, including safety training. You know, this is something I emphasized when I was did an interview with New York magazine recently. It was in the newsletters link the bottom of people want to read it. But yeah, the NRA even with all this that's going on.

they're still huge, much bigger than everybody else. And often much bigger than everybody else combined, depending on what specific spot you're looking at. But that's definitely true with safety and training as well. I mean, there's a hundred thousand plus NRA certified instructors. And I'm an NRA certified instructor. I'm certified to teach the basic pistol course because that's...

been the standard for decades across the country. You could go anywhere in the country and find an NRA instructor, NRA certified instructor. Obviously you don't work for the NRA, you just get a certification from them to teach one of their classes. So there's no like.

I don't work for the NRA by any stretch, just because I have a certification and neither do any of the other instructors out there, but the vast majority in the East. NRA obviously has a staff that oversees their training programs, but yeah, as far as alternatives go, there is the USCCA, United States Concealed Carry Association has really tried to up their game as far as safety training options go.

They've trained a lot of instructors. It's not, like I said, you know, there's nobody is to the same level as the NRA, even still today, but they have grown a lot. And I think you could find USCCA certified instructors and in most parts of the country now as well. So that's probably your biggest alternative on if you're just looking for a nationwide organization that offers safety training that isn't the NRA. And then of course, I think, you know, with gun.

Stephen Gutowski (29:05.059)

Safety training, especially the more advanced stuff, you get, there's lots of companies out there that offer



their programs or have like regional offerings or ranges, I mean, active self protection does, I think a really high quality gun training program that's based on their catalog of real world in self-defense shootings, right?

Jake Fogleman (29:12.428)

Yeah.

Stephen Gutowski (29:31.031)

that's, but obviously they don't have hundreds of thousands of people trained to teach that, but they have, you know, the small group of instructors that they've trained. And I think you see operations like that around the country, especially on the more, the higher level of training out there. So, but for the most part, the major alternative for your base level gun safety instruction is going to be the USCCA at this point.

Jake Fogleman (29:57.662)

Yeah, no, I think that's spot on. If you're looking for a big national name, it's the USCCA, but it's still not anywhere close to the NRA at its peak. Um, but there's also a lot of, as you said, a lot of strong regional offerings, a lot of independent private companies that are trying to, to focus just on training. Um, so those, those are kind of your alternatives. Um, next question we got comes from real remember Michael and it's, uh, it's very detailed and it's actually a very, very interesting question about, uh, the ATF situation and pistol braces.

And just sort of to paraphrase what he's asking about is, so as part of the ATF pistol brace rule, there was that brief amnesty window where the ATF said, we'll allow owners of these braces that are attached to pistols that are shorter than 16 inches to register them with us under the NFA as short-billed rifles and we'll waive the tax stamp and you can, yeah.

Stephen Gutowski (30:46.343)

Right. Yeah. I love that they waive the tax stamp, but still let you register it. Cause everyone just like, I guess we're just giving up the act of what the NFA is supposed to be. Cause the national firearms act is supposed to be a tax. It's supposed to be a tax on certain kinds of guns. And the registry of the, for the NFA is just supposed to show that you paid the tax, uh, right. Uh, on that particular model of, you know, that, that particular gun.

Jake Fogleman (30:55.659)

Right?

Stephen Gutowski (31:12.939)

And so the really made a mockery of the concept of this law when they let people register the guns without paying the tax because it's That's the whole point of the registry is to show that you paid anyway. That's not what this question is about. But I just That part always blows my mind.

Jake Fogleman (31:28.882)

It is an interesting point. No, it's worth pointing out for sure. Um, and he, he notes that the way that they, these amnesty pistol braces were approved is slightly different than, uh, the way normal SBR registration goes. And he's asking with all the legal challenges over the pistol brace, we've seen some injunctions issued against it. We have nothing final yet, but he's wondering, should that rule be invalidated completely with a final judgment?

What then becomes of those gun owners that sort of registered an SBR and they were told that once it was registered under this amnesty period, they could go ahead and throw a stock on it like a normal SBR. What happens once the rule goes away and now they have this SBR? Are they in legal hot water at that point? It's a very interesting scenario.

Stephen Gutowski (32:03.1)

Right.

Stephen Gutowski (32:10.743)

I think that is a fascinating question because yes, right. So the ATF under this rule says, you know, any gun, any rifle that has a barrel less than 16 inches that has, or any gun less than 16 inches, rifle barrel has a pistol brace on it is just a short barrel rifle now, according, you know, under their explanation. So if you register one, in theory, you can take the brace off and put a stock on and it's the same.

legal standard, it's also an SBR. You're just switching out the stock that you put on it. And so yeah, there were people who I think did that essentially get a free SBR registration where you don't have to pay the tax stamp. But yeah, what happens to those?

people and those guns and those registrations if, for instance, the Supreme Court, which is considering hearing the challenge to the pistol brace ban right now, and just heard the challenge to the bump stock ban, right? What happens if they say the law is, the rule is unlawful, right? And they have to rescind it. What happens to those people who now have what,

and an actual SPR that they did register, but were others registration still going to be good? Because they were initially made with pistol braced firearms. And now you put a stock on your pistol braced firearm. I don't know, that's a really, really good question. I don't know how the ATF would react to that. You might want to talk to a firearms lawyer.

with experience in NFA registrations and get their take is what would be my advice, because obviously we can't give legal advice. My guess is that they would, this wouldn't be some sort of high priority for the ATF to go and try and round up people who did something like this, or even cancel those registrations. I don't know that they'd wanna do that either. I don't know. I'd be more...

Jake Fogleman (34:17.779)

Yeah, that's kind of my take.

Stephen Gutowski (34:19.815)

I'm also interested too in like, what are they going to do with the just pistol braces, the pistol brace guns that were registered if the registrations, if that whole process was unlawful.

Jake Fogleman (34:28.866)

Yeah, yeah, that's a good point. Like you said, the emphasis is speak with a lawyer, we're not attorneys, we can't give you legal advice, but my gut tells me that it's not in the ATF's interest to not honor registrations, especially this current iteration of the ATF under current leadership. I think they would prefer registered.

Stephen Gutowski (34:36.349)

Yeah.

Jake Fogleman (34:48.866)

having those things registered as SBRs and I can't imagine them saying, oh, that's now invalid and you're in possession of an illegal SBR and we're gonna go after you. I just don't see that. Once again, I don't know.

Stephen Gutowski (34:57.223)

But this is also one of the problems with, with the ATF and these rule changes is like the rule changes themselves or something you couldn't have seen coming necessarily. I mean, you know, maybe you could have guessed that these were gray areas that down the line, they were somebody might mess with, but, um, you know, the ATF says one thing one day and another thing the other day, it can be hard to rely on whatever they tell you.

Jake Fogleman (35:07.251)

Sure. That's a good point.

Jake Fogleman (35:21.426)

Yeah, no, that's a good distinction. There has been quite, I think, quite a bit of flip-flopping. And I think some gun rights advocates feel that way as well, that there's been a lot of legal flip-flopping over some very high stakes. Yeah.

Stephen Gutowski (35:31.439)

Even the gun control advocates feel that way sometimes, right? That was part of this was they didn't, they didn't like the flip-flopping the other direction. So, uh, you know, the ATF, uh, doesn't have a lot of, uh, admirers in the political gun space on either side. Uh, you know, at least, uh, as administrations change hands from one part of the other and certainly everybody.

Jake Fogleman (35:39.195)

Right.

Jake Fogleman (35:49.207)

Certainly.

Stephen Gutowski (35:56.159)

who loved the ATF and liked how they operated then changed their mind quite quickly when the ATF goes very different direction. Anyway, yeah, it's hard to know. It's impossible to know what would happen. And I would expect they wouldn't make it a top priority, but like I said, they say one thing one day and another thing the other day, and it can be hard to rely on their work.

Jake Fogleman (36:22.75)

Yeah. Short answer. Talk to a lawyer if you want to know with more, a little more certainty, even they might not know, but it's better to go that route. Um, but along sort of the legal lines, we have a couple of questions here from member Will, who one asks about, uh, the Supreme court and the state of fully automatic firearms. Uh, he asks, is there any chance that the Hughes amendment gets removed by the Supreme court or by legislation? He asks, and he, he's basically asking, what's the upper limit of a hardware ban?

Stephen Gutowski (36:25.627)

Yeah.

Stephen Gutowski (36:41.181)

Mmm.

Jake Fogleman (36:52.231)

what do we think the upper limit of a hardware ban will be under the current iteration of the Supreme Court?

Stephen Gutowski (36:58.583)

Well, I think the first question is pretty easy to answer based on the bump stock ban oral arguments. We'll have to see what they actually rule in that case. I actually, you know, we've done some members pieces on this, but I think there's still a good chance that the bump stock ban falls, mainly around, you know, the technical definition of machine gun. And this is kind of what the whole case seems to, in their mind, come down to that.

Jake Fogleman (37:02.145)

Yeah.

Stephen Gutowski (37:26.983)

that question of whether or not the bump stock actually fires more than one round off a single function of

the trigger. And I mean, I think it straightforwardly does not, but the court was not as sure on that question. But either way, one thing they were quite clear on, I think even a number of the conservative justices, I think Gorsuch and Barrett both just explicitly said that they thought bump stocks should be banned or that they would sympathize with banning them.

Their main problem was again whether this ATF interpretation actually fit the law and the way it's written. So they didn't really have a question about whether they could be banned. Now maybe the court would have a different tact if you got, if this was more of a Second Amendment case, because this case was not, it just isn't a Second Amendment case at all. In fact, Kavanaugh asked the bumpstock's plaintiff, the lawyer,

for Cargill, the plaintiff in the case, whether or not, really why they didn't make a second amendment claim. And Cargill's lawyer just said that, you know, they wanted to keep the case focused because SCOTUS doesn't usually like to go outside of the question presented into other, you know, theories or areas. And also that they didn't have a clear understanding of the court's.

feeling towards dangerous and unusual weapons and whether they would fit a bump stock in that exception from Heller. But yeah, if you're listening to that oral argument and wondering about whether or not the Supreme Court's gonna strike down the Hughes Amendment or the NFA as a whole, I think the feeling you would get is that they wouldn't do that. And I think that fits pretty well with how the court operates in practice.

Right? We've talked about this in the past. You could read Bruin and you could read the standard that they've set up in Bruin, this, this history and tradition standard, and look back at the founding period and say, there weren't very many gun laws at the founding period. So therefore, this standard could be used to strike down most gun laws that exist today, at the state and federal level.

Stephen Gutowski (39:52.775)

And I think that would be a pretty fair reading of the ruling and the standard, but one that ignores the practical way that the court goes about handling second amendment cases and really kind of all cases to some degree, you could kind of see this in even the, um, the recent, uh, Colorado ballot access case for, for former president Trump, where it was a nine Oh ruling and

even if, even if you read the text and think, well, this should have applied, even if the justices might've thought that in some sense, it's just so unlikely that this court would step in and take, you know, drastic action, like removing the somebody who is currently leading the race for president from ballots or allowing States to do it at least. And, um, and I think you.

have to take somewhat of a pragmatic approach to their gun jurisprudence as well. And this comes through a lot in Heller, especially, where they're, you know, it's not binding, but in DICTA, they make a lot of exceptions that don't make a lot of sense with what they had ruled, right? Like the machine gun aspect, they specifically call out M16s in Heller as not affected by the ruling.

And I think they would probably stick to that for now, at least, that this the makeup of this current court. And you can look at the way that they've applied, the way that they've taken Second Amendment cases, you know, they're not taking front running cases.

They're taking cases where the public's view of these things has already solidified years earlier in favor of expanded gun rights. So Heller came in 2008. Well, um, you know, in the 1960s, there was some, there was quite a lot of public support for banning handguns. If you look at the polling, but by the time you got 2008 and you know, on through today,

Stephen Gutowski (42:01.671)

Public support for that had cratered to almost nothing. And there were really only like two laws in the country that actually banned the possession of handguns. One was in Washington, D.C. and one was in

Chicago. The court took both those cases and ruled against the bans. These were novel outlier laws that the court went after. And you could say the same thing about Bruin. Bruin didn't happen in 1990 when most states banned concealed carry outright.

It happened in 2022 when no state span can still carry out, right? And there were only eight states that still had these may issue laws that made it very difficult for anybody, a normal person to, to get a permit. And so they, they're doing these things way after public opinion had already shifted in that direction. And so when you look at machine guns,

You haven't seen that kind of public perception shift, and I don't think the court is gonna go out there and strike down extremely popular gun restrictions at this point.

Jake Fogleman (43:01.687)

Yeah.

Jake Fogleman (43:08.178)

yeah, no, I tend to agree once again we don't speak for the Supreme Court but I think it's safe to say that that's not going anytime soon going to happen but he also, he asked an interesting question about

relating to the Bruin decision, he notes that some of those former May issue states that have had their laws changed have retaliated with laws that in some ways have made things worse for gun owners in those states. Maybe not everyone had access to a carry permit in those states before, but those that did enjoyed fairly broad protections to carry in public. And now that...

at least in theory, permits are supposed to be available to anyone that meets the requirements. They've since made it so you can't really use it for much in those states. And he's asking, basically for the state of play in ruined states that were affected by the decision and what gun rights are going to look like going forward in those states. And I think that's an interesting question.

Stephen Gutowski (44:02.787)

Yeah, I want to get your perspective on this. You've written a lot about broom response bills and even the sort of creep of those style of bills where you're, you're seeing, like you just described, very restrictive. I mean, even California, the SB2 is kind of a total ban almost on, on gun carry, even though you could technically get a permit, right? And so, you know, some of these, uh, the, the presumption flip, right? The vampire role that people in the gun rights community call it where you can't carry on.

private property unless you're invited in with a sign that says you can carry on. And we're talking about like stores, publicly accessible private property, which would make almost everywhere off limits. Right. And that's actually started to move into states where they had shall issue permits already, even your home state Cal, Colorado is sort of considering new restrictions. I think.

you're starting to see a little bit of a trend beyond those eight states that were affected. I want to hear your view of this.

Jake Fogleman (45:02.158)

Yeah, that's it is sort of fascinating that this rapid retaliation in the former May issue states they've all now since passed a form of a Bruin response bill or so called Bruin response bill. I think in some ways that has maybe emboldened gun control advocates elsewhere because whenever you get a big policy push you see out with permitless carry right on the other side once you get a few states it kind of

Stephen Gutowski (45:23.516)

Mm-hmm.

Jake Fogleman (45:25.206)

builds its own momentum and advocates look elsewhere to replicate that success. And to your point,

yeah, here in Colorado, we've been a shout issue state for more than 20 years now with pretty good concealed carry protections, not very many sensitive places. And nevertheless, this year, there is a bill being considered. There hasn't been much movement on it yet. It hasn't had its first hearing. But to essentially replicate California's SB2, it doesn't have the vampire rule. But other than that, it pretty much copies every single sensitive place restriction.

Stephen Gutowski (45:53.491)  
Yeah.

Jake Fogleman (45:54.686)  
Which is fascinating that, like you said, it sort of left the former May issue states and has started to come for other states. I know Washington considered one that they've since kind of paired back a little bit to just be open carry, but as it was introduced, it was also a concealed carry sensitive place restriction. So this is going to be something to keep an eye on, not just in those former May issue states, but more.

Stephen Gutowski (46:13.327)  
And I think it also speaks to the polarization of guns, gun politics at the state level, especially. Blue states, maybe it's California and New York who starts pushing the limits of something in gun policy, but it quickly spreads now to other states that aren't as deep blue as California and New York. Maybe they're trending more blue like Colorado, but.

But, you know, it's interesting to watch. And it's the same thing in red states, right? With the permaless carry as a perfect example of that. Like, you know, it'll start in a deeper red state and then it'll carry on through other red states. Even when polling isn't very favorable towards a permaless carry, it's still, there's enough momentum there from the, I think the polarized aspect of gun politics now that, you know, it can carry you through.

every red state or every blue state depending on the policy itself. And that's not something that we've seen, I think, in a while as starkly as we're seeing it right now. But I think we've got time for one more question, right?

Jake Fogleman (47:22.014)  
Yeah, no, that's it.

Yeah, so we're coming up on time here. A lot of great questions that we're unfortunately not gonna be able to get to. But we have an interesting question from Reload member Stuart. And he's basically asking, how can gun owners or people that care about gun rights speak to maybe either groups that aren't favorable to gun rights or maybe people that just don't know much about guns in general? How can there be some sort of a discourse to try to educate them on either the mechanics of firearms or firearms politics and policy, how the law looks?

Uh, cause he, he gives an anecdote about someone that wasn't aware that when you purchase an AR 15, the magazine doesn't come preloaded with, with ammunition when it shipped to you and he was surprised that this person didn't know that. And so he wants to know how can there be better cross-dialogue with people that are gun owners and know a lot about guns and maybe people that don't know much about guns, but maybe want to be involved in politics.

Stephen Gutowski (48:16.015)  
Yeah, it's a great question, right? I mean, it's kind of at the core of what we try to do. What I've tried to do in my career is just inform people because there is a very significant lack of knowledge on how firearms work, how policies would affect people, all that stuff across society, really, not even just advocates in the gun control movement, but.

Jake Fogleman (48:23.999)  
Absolutely.

Stephen Gutowski (48:43.343)

You know, lots of people who also would, I think, in good faith want to learn more. And my, you know, suggestion is to do as much as possible to reach out to those people and to speak with them when they ask you to. You know, for instance, I was, this week I was in New York. I spoke with a class at Columbia University about public policy. This is a public health policy class at Columbia University that I went

and spoke to Professor Ted Alcorn was nice enough to invite me and we had a great dialogue with the students in that class. And they were very intelligent and informed and had a lot they wanted to hear and learn. And we had a good back and forth. And I'd encourage people to do as much of that as you can. You know, like if someone's inviting you in good faith, I would.

I mean, this is part of why I want to be out on CNN as much as I possibly can to be honest and fair and inform people of the details and the arguments on either side of the issue and let them make up their own minds. But that's my advice, at least.

Jake Fogleman (50:00.914)

Yeah. And I think it matters how you do it as well. I know there's sometimes, I think this is not just a knock on gun rights advocates, right? It's sort of an artifact of our time with social media, dunk culture, and that sort of thing. But you see a lot of times someone makes a mistake. Maybe it's in good faith and you just get, ha ha. You didn't even know that AR-15 doesn't have a clip. It's a magazine. Ha ha ha. And it's like, don't try not to. I know sometimes it can be hard to resist if something's so obviously silly, but.

Stephen Gutowski (50:12.358)

Yeah.

Jake Fogleman (50:28.662)

Doing it in good faith is a way to build those bridges and to have that cross communication. I know you've talked about in your journalism career, getting people...

Stephen Gutowski (50:31.374)

Oh yeah.

Stephen Gutowski (50:34.959)

And it doesn't mean being like, you don't have to be shy or subtle or anything. Like you still want to be truthful, but, but yeah, their tone is, tone is important. The way you talk to people as human beings is, it's going to matter a lot as to whether you have any chance of reaching them or influencing them. Right.

Jake Fogleman (50:40.734)

Sure, right, right.

Jake Fogleman (50:54.194)

Right. And like I was going to say, I know you've talked about in your journalism career, people reaching out to you to, in good faith, want to know how these things, maybe they're reporting for a mainstream outlet and they're a general beat reporter and they say, let me reach out to Steven. He knows about firearms. How can I make my story better? Examples like that is I think the best way forward is in good faith, people that actually want to learn about this stuff, being willing to speak with them, don't be suspicious of their motives, but actually just say, Hey, this is

my area of expertise, this is what I can tell you about how firearms work, and I think that's the way to go forward on this sort of question.

Stephen Gutowski (51:25.791)

Mm-hmm, absolutely. Yeah, well, I think we can leave it on that. Thank you guys again for sending in really wonderful questions for us. There's a lot of really smart stuff in there, stuff we hadn't covered before

on the show or thought about even ourselves. And so I think we always appreciate the breadth of knowledge within our community here at the Reload and...

If you want to join that community, you want to be somebody who sends in questions or even does a member segment on the show, just head on over to [thereload.com](http://thereload.com) and pick up a membership today. You will get exclusive access to hundreds of pieces of analysis and the ability to send in questions for the Q&A section on the show. You'll get the show a day early and the opportunity to appear on the show. But that's all we've got for this week. We will see you guys again real soon.