



The Car Show Loophole By Evan F. Nappen, Esq.

At car shows and swaps throughout the United States, cars are sold in private sales with no dealer being involved. Car shows at which cars are exhibited or offered for sale or exchange provide a convenient and centralized commercial location where criminals and other wrongdoers obtain cars without credit background checks and without records that enable car tracing.

We all know that cars kill and that they are one of the biggest killers in the US. Cars cause accidents and facilitate crimes. Cars even cause mass murder and mayhem (*like intentionally driving into a crowd*). Cars are a menace that must be tightly controlled. Some of these cars end up in criminal hands as get-away cars or are used by murderers, drug dealers or gang-bangers. Some cars are smuggled into Mexico and used by drug lords there. Convicted felons, mentally deranged persons,

domestic abusers, and aliens unlawfully in the US can all buy a car at a show. Even those on the terrorist watch list can go to a car show and buy a car.

Many of these cars have transmissions which are automatic and/or semi-automatic. At these car shows various accessories are freely bought and sold, like extended gas tanks, folding seats and even mufflers. One can also buy "a shoulder thing that goes up," also known as a safety belt. Some cars are converted and many are customized. Why would anyone need such a car? The police are "out-carred" on a daily basis. Many departments say they need more horsepower, but can't afford it. How many must die before we close the car show loophole?

Fortunately, Representative McCarthyism and Senator Lousenburb have filed bills to require all car transfers at car

shows and swaps to go through a dealer. They have the full support of Mayor Bloomingidiot and C.M.A.Y.R. (*Corrupt Mayors Against Your Rights*)

Some of the important features of the bill are as follows:

It will insure that a credit background check is run, a record is made and all paperwork will be done. Dealers can only sell to customers who have proper identification so a computer check can be done.

"Car event operators" must submit names of all "vendors" to the FBI, both before and after the show. It does not matter whether any vendors sold a car. A private citizen going to a car show hoping to sell or trade a car, but who does not find a buyer and leaves with his own car, would remain in a "vendor" file with the FBI forever.

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NFATCA UPCOMING EVENTS:

- ♦ Big Sandy Spring Shoot, March 25-27, 2011, Wikieup, AZ
- ♦ Wanemmacher's Gun Show, April 2 & 3, 2011, Tulsa, OK
- ♦ Knob Creek Spring Shoot, April 8-10, 2011, West Point, KY
- ♦ SARCON, September 15-17, 2011, Las Vegas, NV
- ♦ Knob Creek Fall Shoot, October 14-16, 2011, West Point, KY



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When Does Size Matter? (Part 2)

In our last issue we detailed the prospective chaos that could result from efforts by ATF Counsel's Office to redefine ammunition. We continue to address the situation and would like to illustrate the NFATCA thought process on this issue.

The Gun Control Act, Title 18 of the United States Code and the National Firearms Act include within the



definition of destructive devices, along with grenades, bombs, rockets and missiles, weapons with a bore diameter

greater than one half inch. It is important to note that there are a great many firearms that do have a bore larger than one half inch that are not destructive devices. And while these laws allow for the Attorney General to exempt shotguns and large-bored rifles with a sporting purpose from this definition, an example of a "class" of weapon that can be defined as both firearm and destructive device is a 12 gauge shotgun. In a standard hunting configuration sporting shotguns are defined as a *firearm*. Maintain the shoulder fired configuration but shorten the barrel to 14 inches and the gun is now classified as an *NFA item* (a short barreled shotgun). Add a large capacity

20 round drum magazine and the weapon is now classified as a *destructive device*. All three weapons utilize the same ammunition. Despite their different classifications, are not all three firearms small arms? Furthermore, the non-explosive ammunition for a 20mm weapon, which is a destructive device under both laws, is not itself a destructive device.

Clearly, the classification of the firearm does not eliminate its nature as a small arm, nor does it change the definition of the ammunition used. However, that is precisely what ATF Counsel seeks to accomplish by unilaterally

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Got Stuff?

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NFA Sales Trends

If you've been living under a rock for the past few years, you might be aware of the fact that machine gun sales have not exactly been stellar. The fact of the matter is that the rising prices of transferrable machine guns, a tepid economy and a less than favorable political climate have conspired to cause quite a bit of angst in our community at large. Given all of this, it has been common shop talk to opine whether we are "at the bottom", "starting to come back", or headed still lower.

From an objective standpoint, prices on most transferable machine guns are still below their historic highs. And while prices may have stabilized at this lower level, there is nothing to indicate that we should expect significant increases any time soon. One noted

NFA Dealer, Jennie Todd, observed that in previous years she sold more than 200 machine guns on an annualized basis. Current numbers are far below that and the lack of volume makes committing to do various



shows quite problematic. "The trick is to have what customers are buying *now* and to be able to make a living off of what you sell."

According to NFA Branch numbers, the decline in machine gun sales is confirmed. But at the same time, sales of suppressors, SBR's and SBS's are at all-time highs. Apparently, folks still have the itch for NFA weapons! They just don't have as much "scratch" as they did before and are having to address their NFA requirements in less expensive ways. Many NFA dealers are taking advantage of this trend and have begun offering many more alternatives and selections to address the demand.

The result may indeed be fewer machine guns changing hands. But any NFA Examiner will confirm that the work load has increased. Each day shows new efficiency gains, while even more transfer applications are received. The net take-away: buy more and be patient. And support your dealer!

The Car Show Loophole (continued)

It would require registration of car shows. This would allow the authorities to make sure event organizers have no paperwork violations. It would also allow government agents to question car owners who gather for purposes other than selling cars.

It allows inspection, at a car show, of a show promoter's or dealer's entire business records—including records of transactions that occurred at other shows or at a dealer's licensed place of business.

It turns casual conversations into "car show sales." A person could still agree to sell a car to a friend in a

conversation at the local gas station; but if the same conversation took place at a car show, the credit check requirement would forever apply to that car. It even applies to a car that a seller and buyer talk about at a car show, but don't have with them.

This should fix the car show loophole. Next to be fixed are the wedding show loophole, home improvement show loophole, sports memorabilia show loophole, coin show loophole, flower show loophole, model train show loophole, doll show loophole, boat show loophole,

motorcycle show loophole, comic book show loophole, horse show loophole, golf show loophole, and of course the gun show loophole. If it saves just one life it's worth it. We have to do it, for the children.

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When Does Size Matter? (continued)

declaring that all ammunition above a certain size is no longer small arms ammunition and is now an explosive. Ammunition is a component of a system that can generally be used in a variety of weapons platforms. Similar to fertilizer components, it is not the component itself or the quantity involved that determines explosive nature. It is the use intent and method of use that determines the explosive nature.

We believe that large caliber firearms are already sufficiently regulated so as to protect the interests of

public safety. Further, particularly dangerous ammunition (such as explosive-tipped) is also currently regulated as a destructive device and as an explosive. In the case of this dangerous ammunition, a reasoned approach is employed that utilizes a variety of salient features. Classification is based upon destructive capacity, not arbitrary metrics (such as single attributes of diameter alone). We are unaware of any public safety situation that would embolden ATF to dramatically expand its regulatory authority in such a needless manner

as "all ammunition above .50 caliber is now considered an explosive." However, that is *exactly* what is happening. Further, ATF wishes to require that all possessors or users of such "large ammunition" hold ATF explosives user permits, with all of the associated administration, inspection and regulation. This will inevitably burden an already underfunded Bureau and enable a significant number of new licensees to acquire *actual* explosives.