



SitRep: NPRM 41P

The Department of Justice, under direction from the White House, reversed years of progress on the NFATCA's petition to eliminate the CLEO signature requirements for various NFA making and transfer applications. As a direct result of the "failure" of Congress to enact unnecessary gun control regulations in the wake of the Sandy Hook tragedy, Notice of Proposed Rule Making (NPRM) 41P seeks to accomplish through executive fiat what Congress and the people clearly do not support.

The NFATCA has consistently and repeatedly voiced its opposition to the NPRM and derided the administration's mischaracterization of our original petition. We have also retained counsel, who have filed our official comments in opposition to

41P. As expected, the administration is dragging its feet in publishing all of the comments that have been submitted. As of this writing, 9,504 comments have been received and only 7,571 have been published on the www.regulations.gov website. Out of the comments that have been published, supporters of the action number in the single digits. The comment period officially closed on December 9, 2013, yet publication is still lagging.

Those who are following 41P will have noticed that the administration has proffered a tentative "action" date that is on or about June of 2014. Many have asked what will happen at that time. While nobody can know just what will happen, there certainly are several possibilities:

- 1) They ignore the ground

Safety First

Treat all firearms as if they are loaded. Do not point the muzzle at anything you do not intend to shoot. Keep your finger off the trigger until you are ready to shoot. Know your target and what is behind it. These four basic rules provide a cascading safety net for shooters and those who might have occasion to be around firearms. If one of the rules is breached, the others provide proper redundancy to help prevent a negligent discharge.

The term *negligent* is used with particular deliberation because there are very few cases where a mechanical breakdown is the actual cause of a firearm "going off."

Therefore, it is up to us to make sure that the safe handling of firearms becomes an ongoing effort for our own actions as well as the effort to teach others, especially the young folks. Time and again, each of us have seen an "old hand" with firearms do things such as sweeping a bystander



with the muzzle of a hopefully unloaded firearm. It's actually comforting to then see a pre-teen politely, yet sternly, correct the seasoned pro about his or her unsafe behavior.

swell of public sentiment against their efforts and push it through, as is. This is the easiest course of action for them and gives them a "win" right now that cannot be undone in a snap. The timing for elections is about right and by the time it wends its way through the litigation process, Obama is retired and is earning staggering speakers fees.

2) They modify the NPRM and try something a little less drastic. We do not see them doing this because even though it keeps the issue on the table, it admits that they screwed up. This administration doesn't do that very well, or very often, if at all, or ever.

- 3) They withdraw the NPRM.

Until, then, we marshal our resources

The NFATCA has a suggestion: Make a range date now. Bring some kids, neighbors, family. Bring plenty of eye protection, ear plugs and muffs. Get a variety of targets, a selection of firearms and an assortment of ammo. Take the time to have each person get comfortable with the manual of arms for each firearm and explain the safety features to all, even if they already "know the ropes." Make a day of it. Well, maybe not a whole day...

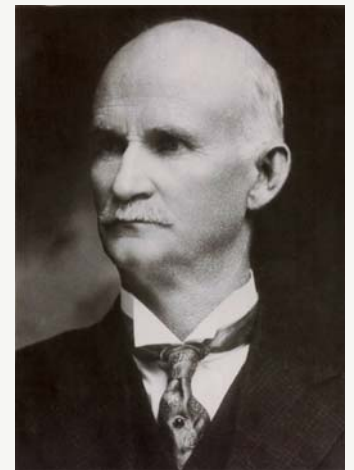
Because the fifth, unwritten rule of gun safety is: Never let the sun set on a dirty gun! Best to teach the young ones early about that part...



"If you want total security, go to prison. There you're fed, clothed, given medical care and so on. The only thing lacking... is freedom."
~ Dwight D. Eisenhower

NFATCA Upcoming Events

- ◆ SHOT Show, January 14-17, 2014, Las Vegas NV
- ◆ Knob Creek Shoot, April 11-13, West Point KY
- ◆ NRA Annual Meeting, April 25-27, 2014, Indianapolis IN





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Who Is a Partisan?

Merriam-Webster defines partisan as a firm adherent to a party, faction, cause or person. Partisan is also used to describe guerilla bands or freedom fighters operating within/behind enemy lines. When the NFATCA chose The Partisan as the name of our quarterly newsletter, it was done with great deliberation because we believed then, and do now, that working together for the cause of NFA ownership is of paramount importance as we face down an administration that has infinitely more resources than we do. We have watched our membership roster grow from a few dozen to a roster of over 1,000 who understand that the fight goes on and that it must often be waged with limited supplies. So who is helping us?

Partisans tend to work together and the NFATCA is no different. We have forged strong alliances with the National Rifle Association (NRA) and NRA's Institute for Legal Affairs (NRA-ILA). The NRA and NRA-ILA provide us with considerable support and guidance as well as unprecedented access to thought leaders in the arenas of Second Amendment issues, legislative action, administrative procedures and more. In addition, we continue to move forward

with other support organizations such as the American Silencer Association. We are finding areas of common ground where our efforts can enjoy the benefits of force multiplication. We also are finding new partisans through opportunities at local, state and national venues where firearms issues take center stage.

In addition, corporate support and sponsorship continues to grow. Whether the support is public or private, the business part of the fire-



arms community is understanding that what affects the NFA community absolutely affects their bottom lines. Manufacturers have learned that it is not enough to just be aware of the issues of the day. More importantly, they have learned that it is imperative that they participate in the process that creates those issues. And that has brought them to the aid of partisans.

Regardless of what is said by those

who claim to understand the dynamic of regulation, yet refuse to actually do anything to effect change, this band of partisans stays the fight. Despite the brickbats and opprobrium, this band of partisans remains resolute in its efforts to expand NFA ownership opportunities for everyone in the United States.

It is really quite simple: Sitting back and hurling criticism from the sidelines (or behind a keyboard) is easy. It is also ineffective and does not deal with the real problem at hand. Our direction has always been taken from our membership and the input of folks who take the time to attend and participate in our open and public meetings. Our membership wants us to continue fighting to roll back the

Chief Law Enforcement Officer (CLEO) signature requirements for NFA forms. Our membership wants us to fight the actions of the current administration that is attempting to undo years of hard work and progress. We will do this and more because the voices of the many, the engaged many, is far more powerful and effective than the lone keyboard commando.

Be Careful with Marijuana

You might be living under a rock if you are unaware that Colorado is now allowing the legal sale of recreational marijuana to its residents. Washington is soon to follow and these states join the long list of others that allow the possession and use of marijuana for medicinal purposes. While legal at the state level, there has been absolutely no change at the federal level. The most recent guidance regarding how this affects firearms comes from a September 21, 2011 Open Letter to all FFL's.

18 U.S.C. § 922(g)(3) prohibits any person who is an "unlawful user of

or addicted to any controlled substance from shipping, transporting, receiving or possessing firearms or ammunition. 18 U.S.C. § 922(d)(3) makes it unlawful to sell a firearms or ammunition to any person knowing or having reasonable cause to believe that such person is prohibited because of use a controlled substance. There are no current exemptions from these statutes at the federal level, regardless of state legislation or regulation.

Since ATF has offered no further guidance, it would be safe to assume that the current state of affairs pre-

sents a problem for both purchasers and sellers of firearms. A purchaser of a firearm must answer the questions on Form 4473 truthfully. If they answer yes to marijuana use, they are prohibited. And if you, as a seller, know that they are lying, then you must refuse the sale. This story is far from over.

