



## If It Is a Wall & Made of Stone...

The NFATCA is now in its second decade of focused advocacy in the NFA community. During the years we have watched the level of candor and cooperation with the ATF and Department of Justice (DOJ)ebb and flow. Previously, our collegiate relationship was able to provide our members and the NFA community, at large, much needed information and data. As an example, the number of transferable machine guns statistic of ~184,000. That number was provided by the NFA Branch Chief over ten years ago.

NFATCA President, John Brown, and Executive Director, Jeff Folloder, have attempted to obtain an updated number over the years. The information has not been

forthcoming and we think that the NFA community would like to know where things stand. In the absence of response, the NFATCA filed a Freedom of Information Act (FOIA) request on August 4, 2014 asking ATF to provide an approximate number of transferable, pre-May

dealer samples and post-May dealer samples currently registered. ATF did not respond within the specified 60-day window and appeared to ignore our inquiry.

On June 19, 2015 the DOJ finally acknowledged receipt of the inquiry. Further, DOJ acknowledged that the inquiry had been assigned and that a re-

sponse should be expected within a month or more. On August 25, 2015 DOJ informed the NFATCA that it would be too difficult to provide the requested data because it existed in multiple formats and would need to be aggregated, which may result in a margin of error

issue. Our inquiry was denied.

On September 16, 2015 the NFATCA formally

appealed the rejection and that appeal was received on September 28, 2015 and acknowledged by the DOJ On October 2, 2015.

There is no public safety issue or national security dynamic involved with the disclosure of a simple count of items. There is

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“A man must know his destiny... if he does not recognize it, then he is lost. By this I mean, once, twice, or at the very most, three times, fate will reach out and tap a man on the shoulder... If he has the imagination, he will turn around and fate will point out to him what fork in the road he should take, if he has the guts, he will take it.”

~ General George S. Patton, Jr.

## 40mm Anxiety

Anxiety affects the NFA community in many ways. The problems are often the result of receiving conflicting, confusing or inaccurate information regarding what regulatory agencies believe is legal. Further, anxiety is compounded in this age of instant communication when the regulatory bodies do not clearly communicate their edicts, thus leaving the so-called Internet experts to guide the regulated masses. It would be safe to say that anxiety issues usually come in small, medium and large sizes. You may be aware of a current anxiety issue of the 40mm variety.

The Internet has been abuzz over the past few months with stories that ATF has conducted raids on some consumers and

licensed dealers in a round of 40mm munitions. While the term “raid” may be a bit overzealous, it is factual that ATF has, indeed, made visits to several FFL’s who were selling



40mm Infrared Parachute Flares as surplus items. These flares were taken into custody by ATF and response letters from those FFL’s contain language that indicates that ATF believes these items to be regulated explosives. There have also been reports that ATF also confiscated so-

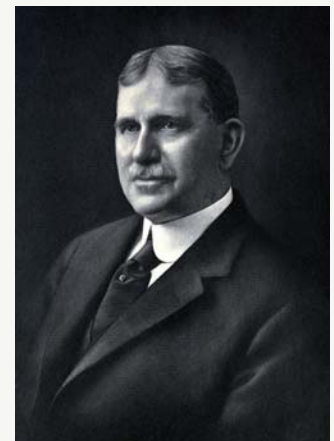
called practice “chalk” rounds concurrent to the IR flares “out of an abundance of caution.”

NFATCA has confirmed that authorities indicate that the IR flares are **not**, in fact, surplus items. Of more concern is that the powers that be believe that these items are US government property and that they should have never entered the civilian market as surplus or otherwise. The M992 flares are manufactured for and intended to be used by the military and law enforcement and civilian sale has not been authorized. Civilians should not be selling, buying, possessing or using these flares without proper authorization.

There is no factual evidence that ATF is “rounding up” 40mm ammo from those with registered DD’s. We are seeking clarification on ATF’s current stance regarding 40mm ammunition classification.

## NFATCA Upcoming Events

- ◆ **SAR West** - December 4-6, 2015, Phoenix AZ
- ◆ **SHOT Show** - January 19-22, 2016, Las Vegas NV





# Who Needs a Machine Gun? - Jeff Folloder

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There are lots of things worth protecting and fighting for. Make sure you make the right choices.

Well, you do, of course! But first, let's take a look at the term "need." There is a distinct difference between the concept of need and want. All too often we tend to interchange the two without considering the subtle difference that each word embodies. Need: something that a person must have - something that is needed in order to live or succeed or be happy. Want: to wish or demand the presence of. There *is* a difference.

Many years ago an older gentleman sat me down at a quiet table and a quiet table in the Midwest. We ordered whisky and lit cigars and commenced to opine on matters of great import. A second round was ordered and I mentioned that I needed to get a new car. My friend gave me a strange look.

"Is your Chevy broken?"  
"No, sir."  
"Falling apart or unsafe?"  
"Nope."  
"Then you want a new car. You don't need a new car. That's the problem with folks these days... They just don't understand the difference between need and want."

I was properly chastised and flipantly told him that "I want a new Porsche 911!" He was not amused. But I did take his message to heart and have spent the past 20+ years remembering to be precise when speaking of acquisitions. Do I really need it? Or do I just want it? Big difference. And the subtlety is not lost when discussing the pursuit of such things as the next

machine gun that might join the collection.

The main shooting lines at this year's Fall Knob Creek Machine Gun Shoot were not quite as active as it has been in years past. It took a few days for the mini gun to appear and the belt-fed .50's were not providing as much basso profundo support as I recall from my many trips to Kentucky. But



there were smiles aplenty. There were lots of sub-guns in action from just about every decade of production. And those were the folks who were getting the most out of the experience. And with the current cost of ammunition, they certainly were getting the most mileage out of their bullet budget.

Did these folks want the machine guns they were wielding in the rather warm Kentucky Fall? Indeed they did! Did they need them? I would think that that is the more important question. And again, I believe that the answer is a resounding yes. Allow me to explain.

Machine guns are legal and functional tools. Pretending that they are evil and should not see the light of day is just wrong. We need to demonstrate to all that they are no more offensive

than a bat, a club or a hammer.

We need to share the sheer joy of exquisite machines that function with precision and care.

We need to experience the fun of operating a machine gun. To soak in the vast expanse of diversity that machine guns can offer.

We need to share the experience of safe machine gun shooting with the

young, the novices and the uninformed.

We need to embrace the concept that it is entirely possible to smother a right that is not exercised.

We need to make sure that these exquisite tools are not lost or cut up.

We need to make sure that the indifferent families of machine gun collectors do not abandon machine guns to law

enforcement scrap heaps.

We need to make certain that each and every one of us are doing things the right way so that we can all have more opportunities to enjoy the world of NFA.

We need to take the time to support all of those folks who champion the NFA cause.

And we need to do all of this all of the time.

Do you need another machine gun? Well of course you do! Do I need another machine gun? Certainly! Will I be needing some help explaining this need to my wife while paying for our youngest child's college education? Probably.

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no revelation of confidential tax information or disclosure of judicial process in the nature of the data requested. And even though it would appear that there will be a margin of error because of the disparate data formats involved, the NFATCA has acknowledged the lack of precision and has offered to include an appropriate disclaimer when publishing the data.

To be clear, ATF has provided this type of approximate information in the past and we have always made it clear that the number is approximate and ever changing. ATF managers and employees have confirmed that this information is accessible and that it can

be provided. However, DOJ has taken the stance the NFA community should not have any access to the information that we have requested. Moreover, DOJ has clearly communicated to us that an administration that desired to be "the most transparent" is anything but.

The NFATCA appeal has been assigned number AP-2015-05939. DOJ has not provided us with any specific time frame for response other than "assigning appeals in the approximate order of receipt." It would appear that the next step will be to find out whether DOJ will be rejecting the appeal or putting it back in the work

queue. We are uncertain as to if it is possible to appeal the appeal, should that become necessary. Inasmuch as senior ATF officials clearly told us their desire to be more cooperative with the NFATCA and the NFA community almost one year ago and that this particular issue should not be so onerous or complicated, we intend to hold them to their word and seek a way to obtain the information that we are lawfully entitled to receive and share. The NFATCA will not be stone walled.

## Stone Wall (continued)