



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405
www.atf.gov

903050:RV
3311/2010-365

JUN 16 2010

Ms. Troy
President
Thompson Collectors Association

Dear Ms. Troy:

This refers to your letter to Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), in which you request a determination, per 27 CFR § 478.11, regarding the curio or relic ("C&R") status of a particular group of Thompson, Model 1928 machineguns.

Specifically, your request pertains to the following Thompsons:

Model 1928 Thompson sub-machineguns (all calibers, including .45 and .22) manufactured in the 1970s and 1980s by the Auto Ordnance Corporation, West Hurley, New York.

As you know, § 478.11 defines C&R firearms as those "which are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons." To be recognized as curios or relics, firearms must fall within one of the following categories:

- (a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;*
- (b) Firearms which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and*
- (c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less.*

Ms. Troy

Additionally, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines a "machinegun" as—

...any weapon which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

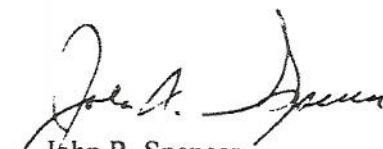
Manufacturing records indicate that fewer than 4,000 of the West Hurly Thompsons were made. Upon reviewing the information you provided and conducting our own research into this matter in the context of Federal statutes and regulations, FTB has determined that any West Hurley, Thompson sub-machinegun that was transferred prior to May 19, 1986, derives a substantial part of its monetary value due to its intimate association with the social and military history of the United States. Therefore, the following machineguns have been classified as C&R items:

All Model 1928 Thompson sub-machineguns (all calibers, including .45 and .22) manufactured in the 1970s and 1980s by the Auto Ordnance Corporation, West Hurley, New York.

Based on this determination, licensed collectors may acquire, hold, or dispose of these machineguns as curios or relics subject to the provisions of 18 U.S.C. § 921(a)(3). However, they are still "machineguns" as defined in the NFA, § 5845(b), and all NFA rules and regulations regarding their purchase and possession will still apply regardless of their status as C&R firearms.

We trust the foregoing has been responsive to your inquiry. If we can be of any further assistance, please contact us.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch