

# Historic Arms L.L.C.



706-675-0287

Chief Sterling Nixon  
BATF Firearms Tech. Branch  
244 Needy Rd.  
Martinsburg WV 25401

Dear Mr. Nixon:

This is in response to your letter to me dated January 4, 2005, (herein after referred to as "ATF Letter") requesting me to respond to you in a timely manner about disposition of the HISTORIC ARMS LLC prototype rifle SGMB-SEMI bearing serial number MK4, (herein after referred to as the "Submitted Rifle").

You state in the above letter that the BATFE Firearms Technology Branch (FTB) has determined that the Submitted Rifle, which I submitted for technical evaluation, is a "machinegun" because it has a machinegun receiver. The apparent critical factor in making this determination is that the FTB was able to remove the "blocking" rail that was installed to prevent conversion to a machinegun.

I believe it is possible that FTB may not have considered vital characteristics in classifying this firearm as a machinegun. Specifically, I believe the ATF Letter identifies some of the vital characteristics, and omits others. Taken together I believe the following, if considered as a whole, is a valid legal reason for FTB to withdraw its classification of the Submitted Rifle as a machinegun. It is NOT a "machinegun" because:

On page 1, paragraph 5, the ATF Letter describes the submitted rifle as "closed bolt, semiautomatic copy of a Hungarian SGM".

On page 2, paragraph 3, the ATF Letter states that the bolt carrier is reduced in width. The reason that the bolt carrier is reduced in width is because inside receiver dimensions are also reduced in width.

On page 2, paragraph 3, the ATF Letter states that the bolt carrier recoil spring channel is welded closed. The ATF letter further states on page 3, paragraph 1, that "the original SGM bolt and bolt carrier (contained with the submitted parts set) were then installed into the sample receiver". This presents an impossible technical situation that defies the laws of physics. The reason is that the Submitted Rifle uses an "op rod" system to drive the bolt carrier forward. Without welding and then machining the bolt carrier, the op rod would fall in the original spring channel and thus be incapable of driving the bolt carrier forward.

The ATF Letter does not mention that the receiver of the Submitted Rifle was significantly and greatly modified to accept the RPD-SA lower receiver [that FTB classified a "firearm" on Oct. 24, 2003] signed by you Mr. Nixon, sent to me (enclosed). The reason is that the receiver of the Submitted Rifle is machined so deeply to incorporate it, that the original mounting lugs of the SGM sear assembly were machined away.

On page 2, paragraph 7, the ATF Letter states that "the safety could be removed, and sear does not disconnect". The ATF Letter fails to note a second manual disconnecter, that cams downward

as the bolt carrier is in recoil after firing.[possibly because the rifle was not ever fired].

The Submitted Rifle uses the identical lower receiver and trigger system that the FTB classified as "a firearm" on Oct. 24, 2003.

On page 2, paragraph 7, the ATF Letter states: "manual operation of the firearm". Why didn't FTB test fire the Submitted Rifle? It is well known that under dynamic load, internal parts interact significantly different from how they interact when "manual operation of the firearm" testing is done. I would like to respectfully suggest that you consider asking Assistant Chief Vasquez about this scientific fact, which I personally showed him last spring in Columbia SC [U.S. V. WRENN] or possibly contacting JPFO.org for video of this same scientific fact [U.S. V. GLOVER].

On page 3, paragraph 1, the ATF Letter contradicts itself by stating that "the only difference between the receiver of the submitted sample and that of an original SGM machinegun was thin metal bar placed on the left interior wall". The reason is that the ATF Letter already described the Submitted Rifle as "closed bolt semiautomatic copy of a Hungarian SGM machinegun. The ATF letter stated that bolt carrier was narrowed (by machining) for reasons stated above and below.

I would like to inform the ATF, Firearms Technology Branch that HISTORIC ARMS LLC will be harmed economically by FTB's seizure or destruction of the Submitted Rifle. A great deal capital (\$8500) was spent in research and development. The loss of income from my being prohibited from producing a 12 rifle contract commercially exceeds \$50,000.

I believe that the ATF Letter classifying the Submitted Rifle as a machinegun may represent an unjustifiable personal retaliation by you against me. The reason is that I exposed an apparently unqualified FTB technical staff member who works for you made a legally incorrect determination that certain semiautomatic firearms were machineguns, and that legally incorrect determination resulted in the unjustified federal prosecution of an innocent citizen. I recall that on July 7, 2003 you stated to me in a telephone call "I can classify anything you build a machinegun and put you in prison", a statement which frightened me because it appeared you were willing to falsely classify a semiautomatic firearms as a machinegun. You sounded very upset. Because of my concerns about your statements, I wrote you an apology letter, I went up the chain of command, spoke to your supervisor, and contacted my Congressional Representatives.

On January 4, 2005, the day you signed the ATF Letter, I called you to discuss the above situation and you declined to do so. Moreover, you stated "It's not proper for me to speak with you, I have pending legal action against you". You also indicated you were very upset about the letter I sent to Assistant Chief Vasquez dated January 3, 2005, expressing my concerns about FTB's inconsistent industry submissions return policy. I regret the necessity to hire an attorney to represent me, I feel that I am forced into doing so because of your statement.

Mr. Nixon, I believe your recent actions in determining that the Submitted Rifle is a "machinegun" may be inappropriately influenced by your personal anger towards me and HISTORIC ARMS LLC because I went public with a video that clearly shows an ATF technical member of Firearms Technology Branch attempting to examine and testfire a firearm, whose actions demonstrate that he does not possess the necessary technical skills necessary to evaluate firearms. I also believe, that you are angry because of my role as an expert witness for the defense in U.S. v. Wrenn, a currently ongoing criminal prosecution of a firearms manufacturer.

Accordingly, in light of the foregoing, I respectfully suggest you consider (1) formally withdrawing the ATF Letter, (2) recusing yourself from any involvement in evaluating the Submitted Rifle (and other current submissions from HISTORIC ARMS LLC), (3) formally request the BATFE to assign personnel who are not named or involved in my recent complaint against you and FTB practices, to objectively evaluate the Submitted Rifle. I believe this is a reasonable suggestion because doing these things would help remove the impression of personal bias against me by the BATFE as an institution. I would also like to point out that in the past when FTB has classified firearms I submitted as "machineguns", FTB has returned them to me after I submitted a Form 2 (please

see your letter dated Nov. 13, 2003 (enclosed), as well as the letter dated Dec. 10, 2003 to Vector Arms (enclosed). The fact that FTB has, as I have shown, approved such transfers even without a form 2 under situations of identical fact is valid and reliable evidence that you may be inappropriately allowing your own personal bias against me to fatally compromise what should be an objective, scientific evaluation process. On page 3, paragraph 2, You state "it must be abandoned to ATF or destroyed".

Based on the forgoing, I courteously request that the FTB reconsider its classification of the Submitted Rifle, [If your are unwilling to do so], approve the enclosed form 2 and return the Submitted Rifle to me at FTB's earliest possible convenience.

Finally, all of us are human beings and in that spirit I understand that it is possible the FTB may have inadvertently overlooked some critical elements in classifying the Submitted Rifle. It is my hope that FTB will (1) consider withdrawing its January 4, 2005, letter, (2) conduct an objective evaluation of the Submitted Rifle, and (3) in any case return the Submitted Rifle to me as soon as possible.

I would like to constructively work with the BATFE to resolve this matter in an objective and professional manner. If further information about various stated requests is required, please contact my attorney in writing and send communications to me through my attorney. We will, of course respond to the BATFE in a timely way to the best of our ability.

Thank You.

Respectfully Submitted,

Len Savage

# Historic Arms L.L.C.



706-675-0287

Assistant Chief Rick Vasquez  
BATFE  
FIREARMS TECHNOLOGY BRANCH  
244 NEEDY RD.  
MARTINSBURG, WV 25401

Dear Mr. Vasquez,

Pursuant to our telephone conversation of Dec. 30 2004. You stated that the preliminary examination of my companies MAG 58sa (semi auto) is that, it is a "machinegun". That is impossible. It incorporates the EXACT fire control system and "blockers" that two of our previous submissions that your Branch has already classified "a firearm" under Title 26.

I have enclosed a (5) page letter from your Branch to VECTOR ARMS. This letter not only acknowledges that they submitted "a machinegun", but the changes that would be required to classify it "a firearm" under Title 26. I remind you that your Branch DID NOT require Vector Arms to file a form 2 to get the firearm back from your Branch.

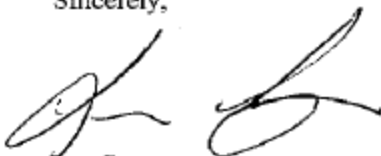
I request that I get the same courtesy extended to Vector Arms. To not do so would be giving an unfair advantage in interstate commerce, therefore could be construed as a criminal act .

If this determination of "machinegun" is put on my submitted sample simply because of my involvement with the cases U.S. V. WRENN or U.S. V. GLOVER, that would constitute a criminal act. As you surely know, witness intimidation is frowned upon by the U.S.D.O.J.

Branch Chief Nixon on July 7, 2003 made himself abundantly clear, He stated he would not only [on a whim] classify any rifle I make "a machinegun" but, would also put me in prison, if I "irritated" the BATFE. Any attempt at retribution, or "payback" will be reported, and not be tolerated.

I look forward to your cooperation,

Sincerely,



Len Savage

1-3-05

HISTORIC ARMS LLC

Cc.

Office of: U.S.A.G.

D.O.J. Inspector General  
Glenn Fine

Congressman Phil Gingrey  
11th Dist. GA

Aaron Zelman  
JPFO

Larry Pratt  
G.O.A.

Douglas Truslow  
Joseph Neal  
Attorneys [U.S. V. WRENN]

# Historic Arms L.L.C.



706-675-0287

Mr. Sterling Nixon  
Chief, Firearms Technology Branch  
Room 6450  
650 Massachusetts Avenue, NW  
Washington, DC 20226

July 7, 2003

Dear Mr. Nixon:

Thank you for taking time to talk with me today. I apologize for, any irritation I might have caused you while seeking answers for technical applications of the Law. As I stated to you on the telephone, I am only seeking answers so that I am in compliance with the law.

Historic Arms L.L.C. is a company that makes semi-auto loading replicas of historically significant firearms. We do not want to make machine-guns. The NFA 5845 (b) "or can be readily restorable" definition is what I have used as a guide. To convert the semi-auto only reproductions that we have sent for classification would be more machine and weld time (not to mention expense) to convert than the parts sets available.

By definition the unregulated parts sets are more "readily restorable" than the "yellow sheeted" semi auto I would like to produce on a limited basis for re-enactors or collectors

You stated the amount of man hours to advise via telephone would not be possible because of budget restraints. Would it be possible to issue written guidelines for the small manufactures in the firearms industry who use existing parts sets for collectable reproductions.

If you have any suggestions please advise.

Most Sincere,

Len Savage  
Historic Arms L.L.C.