



U.S. Department of Justice

Office of Professional Responsibility

950 Pennsylvania Avenue, N.W., Room 3266  
Washington, D.C. 20530

FEB 1 2007

Mr. Len Savage  
President  
Historic Arms LLC  
1486 Cherry Road  
Franklin, Georgia 30217

Dear Mr. Savage:

In February 2006, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) submitted to this Office allegations of misconduct you made against ATF attorney James P. Vann arising out of *United States v. Wrenn*, 1:04-cr-0045 (D.S.C.). The allegations were contained in your January 17, 2006 letter to District Judge Margaret B. Seymour of the U.S. District Court for the District of South Carolina. You asserted that you had been retained as an expert in firearms design and testing by the defense in *Wrenn*, and that ATF retaliated against you by withholding classification letters your company needs to manufacture firearms. You asserted that Mr. Vann was responsible for the review and release of the classification letters to Historic Arms LLC, and has an apparent conflict of interest because he advised the prosecution during the *Wrenn* trial.

In a May 31, 2006 letter to this Office, you also asserted that ATF lacked an official or written testing procedure or protocol, and that during the *Wrenn* trial, it used a "conversion device" to get a false positive result on Wrenn's devices. You stated that this information was confirmed in an ATF letter addressed to Brian Blakely, identified as number 903050:RDC 3311/2004-379. You alleged that Mr. Vann knew or should have known that Wrenn's right to a fair trial was compromised by the government's evidence, but he did nothing to inform the court or alert defense counsel.

We initiated an inquiry into this matter related to your allegations against James Vann. As you know, your allegations of misconduct against non-lawyers at ATF were considered by ATF's Office of Professional Responsibility and Security Operations. Based on the results of our inquiry, we concluded no further investigation of your allegations against Mr. Vann was warranted. Accordingly, we consider this matter to be closed.

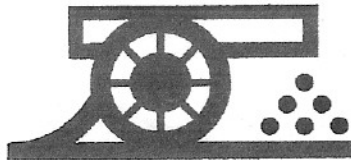
Thank you for bringing this matter to our attention.

Sincerely,

H. Marshall Jarrett  
Counsel

LEN SAVAGE, PRESIDENT

# Historic Arms L.L.C.



706-675-0287 Home  
706-675-0818 Shop

The Honorable Judge Margaret B. Seymour  
U.S. District Court of South Carolina (Aiken)  
901 Richland Street  
Columbia, SC 29201

January 17, 2006

RE: Legal Misconduct in United States v. Wrenn (#1:04-cr-00045-MBS-1)

Dear Judge Seymor:

I am writing this letter to bring to your attention certain facts which, in my opinion, may represent legal misconduct by the Government before, during and after the above-captioned trial over which you presided in late 2005.

Specifically, I am writing to advise you that certain personnel of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) have attempted to retaliate against me because of my participation in the above-captioned trial as an expert witness for the defense.

I was hired by the defendant, Ernest Wrenn, and his attorney Douglas Truslow, Esq., to test and examine evidence in the case. From the outset, I made it clear to Mr. Wrenn and Mr. Truslow that I would be telling the truth based on facts regardless of whether such facts proved innocence or guilt. I was also hired to advise Mr. Truslow during the trial in my capacity as a firearms designer and holder of a federal firearms manufacturing license, about firearms technology issues, and qualified as an expert witness under the Federal Rules of Evidence.

In August 2005, prior to the trial, ATF interfered with my rights as a manufacturer. Specifically, an ATF executive bluntly told me that I could not contact Firearms Technology Branch (FTB). This executive also told me that ATF would not issue any "determination letters" to me until after the trial was over. A determination letter is a letter by FTB which classifies a firearm as a "non-gun," "firearm," "machine gun," and so forth, and is essential for a manufacturer such as myself to conduct ordinary business for hire. That is, to act on behalf of myself and on behalf of clients in developing, manufacturing, and selling firearms or devices. The timing of this interference left me with the impression that ATF wanted me to withdraw from the case, and would cause further delays and punishment if I declined to do so.

There are currently three outstanding "determination letters" or classifications that have not been answered by FTB since August 2005. One of the three devices was sent back to my company by FTB personnel in late August 2005 (the "Ballou belt fed device"). Firearms Enforcement Officer Douglas Craze, of FTB, verbally told me that the Ballou belt fed device is not a firearm. In support of Mr. Craze's statement no ATF Form 2 (Declaration of Manufacture of a Machine Gun) was required for return of the Ballou belt fed device to me. The reason is that ATF determined this device is not a firearm; also, there is no serial number on the device, nor is one

required.

The "Ballou belt fed device" referred to above was brought into the courtroom on Wednesday, November 9, 2005, during the Wrenn trial, but was not entered into evidence. Rick Vasquez, Assistant Chief of FTB, was interested in the device and called FTB Chief Sterling Nixon to discuss it during the lunch recess, which video and audio monitoring in the courtroom at the time would disclose. At the time I concluded that Mr. Vasquez must have realized, after viewing the "Ballou belt fed device," that he had earlier committed perjury by testifying under oath that FTB "never" gives "verbal" classifications." Later that same day I was threatened by a local ATF Special Agent named Lee Baldwin. This threat occurred after court was recessed and Your Honor had left the courtroom. It was necessary for U.S. Marshals to separate Mr. Baldwin (again, this exchange was recorded on audio and video tape).

It is also more than a little troubling that James P. Vann, ATF's advisory legal counsel who was at the Wrenn trial advising the prosecution, is now "in charge" of releasing or reviewing the determination letters concerning my company's products. I would note that the technical report and letters I am concerned about were completed in late August 2005, and that there is an apparent conflict of interest by Mr. Vann.

I have unconfirmed reports that ATF had a paid informant (one [REDACTED]) who discussed trial strategy with me during the Wrenn trial. If ATF did, in fact, use a paid informant during an ongoing federal trial to garner trial strategy from the defense, this would be a gross violation of Mr. Wrenn's Constitutional rights to a fair trial.

FTB Chief Sterling Nixon has informed me, verbally, on December 9, 2005, that all of my items submitted to ATF have been "found" to be "machine guns." On December 9, 2005, Mr. Nixon also demanded that I immediately fill out and submit an ATF Form 2 for the "Ballou belt fed device" that ATF had previously returned to me after determining that it was not a firearm. Mr. Nixon did not address the fact that FTB sent it back to me, the fact that the ATF technician's report and original drafted letter stated it was a non-firearm, or that if indeed it is a machine gun that FTB committed a felony by returning it to me without appropriate registration paperwork.

Mr. Nixon's most chilling words were that a previously FTB classified product (the BM-3000 upper receiver), was now going to be "redetermined" to be a machine gun. He asked me the question "You didn't sell any of those did you?" I regarded this as an implied threat; that is, if I sell any of my company's product that FTB determined not to be a firearm, that will result in criminal charges being filed against me. This is unconscionable. I am not only unable to get any new products to market (because ATF refuses to issue "determination" letters for them), I am unable to sell any products that ATF previously determined not to be firearms. This seems intended to inflict further financial damage against me, and cause economic hardship upon me and my company and customers as retaliation against me for simply being involved in the case as a paid expert witness.

Mr. Nixon's agenda against me seems to be ongoing. For example, he contacted the employer of one of my customers, Edward J. Shaunessey, a Professor of Engineering at Duke University, in Durham, North Carolina. Professor Shaunessey hired me to evaluate and submit an idea for a firearm device (a frame adapter) to FTB for classification. Mr. Nixon called the Dean of Duke University and asked Professor Shaunessey's supervisor: "Are you

aware of Prof. Shaunessy's machine gun activities?" This implication from a government law enforcement executive to an employer is clearly an attempt at causing Prof. Shaunessy harm through innuendo. Professor Shaunessy was also an expert witness for the defense in U.S. v. Wrenn.

Because I am an active licensee, and my ability to make a living depends on properly classified firearms, or devices, the virtually complete lack of cooperation of ATF has, in fact, caused me financial harm. Specifically, I am unable to market products or respond to my customers.

I believe the above facts constitute valid and reliable evidence that my participation in U.S. V. Wrenn, has resulted in ATF illegally interfering with my ability to make a living, as well as violating my Constitutional rights. Even as I write this letter to you today, January 17, 2006, I have not received any documentation of Mr. Nixon's assertions, even after repeated requests by me in writing, and via telephone.

I would appreciate your help in notifying appropriate federal agencies, such as the Department of Justice's Office of Professional Responsibility and Office of Inspector General, so ATF's apparent misconduct can be halted, and I may resume my federally licensed business activities without further delay.

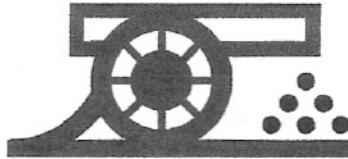
If you have further questions regarding the above matters, please contact me. I will call your office to make sure you have received this letter, and because I would like to talk with you about these important matters.

Respectfully Submitted,

Len Savage

LEN SAVAGE, PRESIDENT

# Historic Arms L.L.C.



706-675-0287 Home  
706-675-0818 Shop

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC

Dear Mr. Liner,

Thank you for taking the time to talk with me a couple of weeks ago. I have been waiting on a FOIA from BATF before sending you some documents. The ATF has refused in part to disclose documents that would appear to support my assertions of the behavior of Mr. James P. Vann. [Please refer to document PJC/06-739, Disclosure Div.].

With respect to putting documents and actions into context:

On October 19, 2005 The Congressional Research Service published a memorandum on "ATF testing procedures". which I have enclosed The document revealed that Firearms Technology Branch or FTB [The technical testing arm of the BATFE] has never had ANY written or official testing procedure or manual. I was present when Mr. Vann received a copy of the memo in November of 05 during US v. Wrenn. With no written procedure, many if not all convictions of the NFA or GCA which relied on ATF test results and testimony of ATF technicians may have cause for retrial. The reason is the lack of procedures appears to infringe on the civil rights of these persons, because the ATF could [and probably did, many times] arbitrarily design a test to produce a "false positive".

During US v. Wrenn, Mr. Vann learned that the ATF used a "conversion device" to get a "false positive" when testing the "evidence". This was confirmed an ATF document addressed to a Mr. Brian Blakely [903050:RDC 3311/2004-379] Mr. Vann appeared to know at that very moment that Mr. Wrenn's right to a fair trial were violated. Mr. Vann seems to have also started that very moment to conspire with FTB Chief, Mr. Sterling Nixon to cover their apparent constitutional violations.

Once I realized the gravity of the situation I notified "The Court" with my letter to all parties, addressed to the Honorable Judge Seymour on January 17, 2006. I have been told by Mrs. Stucko, Mr. Nixon, and many other ATF management level employees that Mr. Vann had advised them NOT to speak or cooperate with me. This arbitrary and capricious restriction appears to have been designed and used to economically harm me and my company. In particular Mr. Vann's instructions appear to constitute unlawful "economic sanctions" against me and my company, for no legally justifiable reason what so ever.

Mr. Vann wrote a letter for Mr. Lewis Radens office. [reference under CC-91743 FE:JPV] April 4, 2006 [enclosed]. Mr. Vann is rather obvious in his endorsement of this "policy", He claimed the refusal to take calls or communicate with ATF staff was because my company has invented too many new products? Why am I being punished for being active and productive in my industry?

Mr. Vann also took many liberties with the misquoting of the United States Code in his letter. Any cursory read of quoted codes does not support any of his "determinations" or "edicts" he endorsed.

It appears that Mr. Vann either waited for, or caused the retirement of a Mr. Richard Douglas Craze formerly of FTB. It appears that Mr. Craze was first demoted from Assistant Chief to "technician", and then retiring abruptly. As soon as Mr. Craze was not there to refute the "reclassification" of a previously approved product [that Mr. Craze examined, and determined to be a "non-firearm"], That determination was changed abruptly, and without request from any party to reexamine it [referenced under: 903050:RDC 3311/2005-500 (enclosed)]. Mr. Sterling Nixon told me on December 9th 2005 that "council was working on a new theory of litigation". He plainly stated that he and Mr. Vann were working on a way to declare it illegal. I was asked by Mr. Nixon "You didn't sell any of those did you?" Importantly the ATF's own classification at that time stated the product was NOT subject to the NFA or GCA.

I would respectfully request that you contact Mr. Craze at your earliest convenience, so that a fair determination can be made that considers all of the relevant facts and evidence. Mr. Craze is an instrumental witness, because he is the one who rendered the original classification, long before I was present at US v. Wrenn I'm sure he could provide you relevant information that is not available to me. He might also have insight in the John C. Craig situation.

In all seriousness, the extreme policy shifts, and "overturning" of standing written opinions without cause or request at least proves the NFA and GCA are so vague even the ATF own experts are unable to properly and consistently interpret them. As I have been told repeatedly by ATF management that Mr. Vann is motivating all of this action. Both FTB and Mr. Vann fails to cite any basis in federal law for its supposed "bears little resemblance" test criterion that has been recently applied to my products.

The inability of BATFE, and FTB, to make a reliable determination (1) shows ATF's inability to administer and enforce federal firearms laws, and (2) brings into question whether federal firearms laws provide sufficient notice to satisfy "due process" requirements under the Fifth Amendment and whether any entity (e.g., juries in criminal cases) can make meaningful determinations regarding federal firearms laws. This becomes an enormous concern if Mr. Vann is motivating these actions, because that would have the appearance of an attempted cover up of an embarrassing situation for ATF, The Chief Counsel's Office, and Mr. Vann personally.

Finally, you may have noted that four ATF reform bills have been marked up by the House Subcommittee on Crime, House Committee on the Judiciary, and that some of this proposed legislation is potentially relevant to some of the issues I have raised. It is my understanding that there will be opportunities for interested Members of Congress to add some provisions to this legislation by amendment, as the legislation moves forward. As you may know, my Congressional Representative, the Honorable Phil Gingrey, is a Member of the House Committee on Rules, and has sponsored H.R. 1603, which addresses issues of firearms testing. I have been systematically compiling documentation of my efforts to work through the system for a fair and just resolution of the problems I have described to you in this letter, as well as other concerns. I believe there may be an opportunity to address some of the uncertainties evidenced in some of BATFE's recent administrative actions through legislation. I do, in any case, want to be sure that you and your office are sufficiently informed of this marked-up legislation, and of Congressional interest in resolving certain concerns about how BATFE is administering and enforcing the law.

If you have any questions, please feel free to contact me.

Respectfully,

Len Savage

cc:

Rep. Phil Gingrey GA-11,

Sen. Saxby Chambliss GA,



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

AUG 9 2006

Washington, DC 20226

www.atf.gov

CC-93,189 FE:JPV

CERTIFIED MAIL/  
RETURN RECEIPT REQUEST

Mr. Len Savage  
President  
Historic Arms LLC  
1486 Cherry Road  
Franklin, Georgia 30217

Dear Mr. Savage,

This is in response to your letter dated May 10, 2006, in which you raise questions concerning our reclassification of the BM-3000 that you submitted. Specifically, in your letter you state that "I assume all BM-3000s manufactured between July 31, 2005, and April 20, 2006, 'grandfathered' are legal to possess by my company's customers." This assumption is incorrect since the possession of a machinegun manufactured after May 19, 1986, is generally prohibited. There is no provision for "grandfathering" these machineguns.

It should be noted that in a conversation you had in December of 2005 with Sterling Nixon, Chief of the Firearms Technology Branch, you were specifically asked whether you had sold any of these firearms. You were advised at that time that FTB was reexamining your submission. You stated in that conversation that you had not sold any of these firearms. You were advised by Mr. Nixon not to sell any of the BM-3000s until the reexamination was complete.

We urge you to contact your customers who purchased the BM-3000 and advise them that they are in possession of an unregistered machinegun. They should be advised to contact their local ATF office and make arrangements to abandon these machineguns.

Further, please provide us with the names and addresses of those customers to whom you have sold the BM-3000. This information is necessary so that we may contact them and arrange for them to turn over the machinegun as they may be unaware that they are in possession of an illegal firearm. If you do not provide us with this information within ten (10) days of your receipt of this letter, we will take appropriate legal action to compel its submission.



Mr. Len Savage

Further, if you have not done so, you must immediately register any BM-3000s that you have in your inventory. These weapons are subject to 18 U.S.C. § 922(o) and may be lawfully manufactured only for law enforcement and the military and not for commercial sale.

I hope that this has been responsive to your inquiry.

Sincerely yours,



*for* David H. Chipman  
Chief, Firearms Programs Division

Cc: Division Counsel, Charlotte

# COPY

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

August 22, 2006

Dear Mr. Liner,

Thank you for taking the time to talk with me today. As you can imagine, I am quite concerned about this whole matter.

Prior to assisting the defense in US v. Wrenn (Nov.-05), a product trade named the "BM-3000" was classified by ATF as a "non-firearm". Only after that federal case [that Mr. Vann assisted with] Mr. Vann personally came up with "a new theory of litigation" and the subsequent overturning of a standing ATF classification.

I am perplexed by Mr. Vann's drafted letter for David Chipman would even suggest that the ATF would advise a licensed firearms manufacturer to disregard a standing written determination from ATF via a telephone conversation. The tone of letter drafted by Mr. James P. Vann, is one of a threatening nature. I am to submit a nonexistent list of customers within ten days or else they will "compel" me to submit it? I fear that Mr. Vann may be attempting to arrange harm to me or my family, possibly by "compelling" or misinforming ATF agents to "raid" my home or business in search of this nonexistent list of customers.

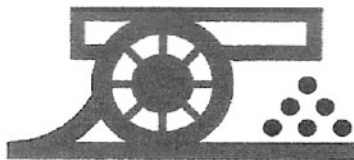
Enclosed you will find the most recent letter drafted by Mr. Vann. Although Mr. Vann is not the signatory of the letter, please note a copy of the return receipt and where it was addressed to. I have also enclosed audio documentation of the conversation that was referred to in the letter. It is extremely important that you hear Mr. Sterling Nixon, Branch Chief of Firearm Technology Branch plainly state several times that "counsel" is motivating the "redeterminations" and other actions.

Respectfully,

Len Savage

LEN SAVAGE, PRESIDENT

# Historic Arms L.L.C.



706-675-0287 Home  
706-675-0818 Shop

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

November 7, 2006

Dear Mr. Liner,

I have gathered all of the documents that you requested of me. It is quite a few pages, I will attempt to send them to you in small groups with explanations of their respective relevance to my complaint.

I will send you a copy of the receipt from [REDACTED] of [REDACTED] that was made out to Mr. Wrenns Attorney in US v. Wrenn via US mail.

Please call me if you have any questions. I also need to ask you if there is evidence that falls outside the scope of your investigation to please forward copies to the Office of Inspector General.

Respectfully,

Len Savage

A handwritten signature in black ink, appearing to be 'Len Savage', written in a cursive style with a long horizontal flourish extending to the right.

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

November 7, 2006

Dear Mr. Liner,

Enclosed you will find the first group of documents. The product involved here was an adapter to use differing caliber's of ammunition in a registered machinegun. This product was mentioned in my January 17 letter to the Judge/Court.

Initial contact with ATF/FTB on this product was begun on August 11, 2005. I did not receive ANY response from ATF/FTB until April 20, 2006.

RELEVANCE:

- The lack of a timely response from ATF/FTB seems to be associated with my involvement in US v. Wrenn. Mr. Vann was present when ATF testified [during the Wrenn trial] that ATF/FTB answers all inquiries within 7-30 days.
- When asked FTB Chief [on the audio tape sent to you] that "Counsel" [James P. Vann] is working on a new theory of litigation, hence the delay in determination.
- When reading the ATF determination on this product please go to page three. Where to paraphrase "use of this product may or may not be a felony". I can not sell this product in good faith with that kind of seemingly nonsensical determination. I have repeatedly asked ATF/FTB and Mr. Vann to please explain, and to clarify this document. They have refused to date.

Respectfully,

Len Savage

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

November 7, 2006

Dear Mr. Liner,

Enclosed you will find the second group of documents. The product involved here was an adapter to use a differing caliber of ammunition in a registered machinegun. This product was mentioned in my January 17 letter to the Judge/Court.

Initial contact with ATF/FTB on this product was begun on July 27, 2005. I did not receive ANY written response from ATF/FTB until April 20, 2006.

RELEVANCE:

- The lack of a timely response from ATF/FTB seems to be associated with my involvement in US v. Wrenn. Mr. Vann was present when ATF testified [during the Wrenn trial] that ATF/FTB answers all inquiries within 7-30 days.
- I was sent the "Ballou" belt fed device back via Fed-X on or around August 9, 2005. I was notified by ATF officer Douglas Craze that the device was NOT a firearm or a machinegun. I verified this determination by discussing the supposed written determination with the "writer/editor" of FTB letters. [i.e. verbal "approval"].
- The Ballou belt fed device WAS present at US v. Wrenn. It was not entered into evidence, but was in the courtroom and ATF did notice and inspected it. If it was indeed an unregistered "machinegun" why wasn't the US Marshals office contacted and the device confiscated on the spot?
- It should be noted that Mr. Vann was present when the Assistant Chief of FTB testified that ATF never ever gives a verbal approval. I contacted the FTB Chief during lunch that day and inquired how could that be? Was not the very presence of the device in MY possession proof that ATF perjured itself that day?

- I was asked by the FTB Chief [on the audio tape sent to you] that I need to “form 2” the “Ballou” belt fed device by the end of the day [Dec. 9, 05].
- ATF refused to process my “form 2” and then asked me to alter the serial number of the device.
- In the April 4, 2006 letter [written by Mr. Vann #CC-91743 FE:JPV] please take note of the last paragraph where the ATF has decided that special sanctions that apply to just me and my company are being enforced upon me, and though my competitors can call them with questions, I can not.

Respectfully,

Len Savage

A handwritten signature in black ink, appearing to be 'Len Savage', written in a cursive style. The signature is positioned below the typed name 'Len Savage'.

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

November 7, 2006

Dear Mr. Liner,

Enclosed you will find the third group of documents. The product involved here was an adapter to use a differing caliber of ammunition in a registered machinegun. This product was mentioned in my January 17 letter to the Judge/Court.

Initial contact with ATF/FTB on this product was begun on September 14, 2005. I did not receive ANY written response from ATF/FTB until March 9, 2006.

RELEVANCE:

- The lack of a timely response from ATF/FTB seems to be associated with my involvement in US v. Wrenn. Mr. Vann was present when ATF testified [during the Wrenn trial] that ATF/FTB answers all inquiries within 7-30 days.
- The submitted engineering change request was sent in to make sure that the changes would not effect the status of the determination [The BM-3000 was already determined to NOT be firearm or machinegun]. The submitted engineering sample is a billet of steel that only had the pertinent portions completed for FTB examination.
- The engineering sample was marked "socom manufacturing" Mr. Wrenns Firearms company, as he used his equipment to make it to my specs. [As his design and my design were virtually identical in design and operation with very minor differences].

Respectfully,

Len Savage

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

November 7, 2006

Dear Mr. Liner,

Enclosed you will find the fourth group of documents. The product involved here was an adapter to use a differing caliber of ammunition in a registered machinegun. This product was determined by ATF prior to US v. Wrenn to be neither a firearm or a machinegun by ATF/FTB [July 11, 2005]

RELEVANCE:

- Before US v. Wrenn the product [BM-3000] was a NON-firearm, only after my involvement was the "reconsidered" to be a machinegun.
- Shows that ATF/FTB either is unable to administer the NFA or GCA correctly the first time or, Mr. Vann, and ATF/FTB knowingly conspired to cause me and my company harm by "reconsideration".
- The reconsideration was unsolicited, and was discussed by FTB chief in the December phone call where he plainly stated that "counsel" [James P. Vann] was probably going to change it's status to machinegun. [Please review the entire audio tape I sent you].
- It is my opinion that Mr. Vann acted with malice in his vendetta to "teach me a lesson" for showing up in federal court.

Respectfully,

Len Savage



ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

November 7, 2006

Dear Mr. Liner,

Enclosed you will find the fifth group of documents.

RELEVANCE:

- ATF/FTB sent these products back to me unsolicited. I had asked them in my letters to please reconsider the items.
- The items were classified as machineguns at the time that ATF/FTB sent them to me and they were not on a form 2 or on the NFRTR. [Unregistered machineguns].
- It appears the ATF attempted to maliciously to entrap me for possession of an "unregistered" machinegun. I did contact Mr. Vann and ask him what was going on. This was the second time that ATF/FTB/James P. Vann sent me unregistered machineguns.
- FTB and Mr. Vann instructed the NFA branch NOT to process my form 2 or "notice of firearms manufactured". It is not an application as stated in Mr. Clutters letter.
- The NFRTR is currently under an audit by the Office of Inspector General. It is very clear that the audit will be at least (2) machineguns short, as the notice was returned to me asking me to remove the document number references to FTB letters from the descriptions.
- The devices in question are in the possession of the Heard County Sheriffs department, as they are "unregistered" machineguns according to ATF/FTB/James P. Vann

Respectfully,

Len Savage

ATTENTION: Mr. Fred Liner  
Office of Professional Responsibility  
Department of Justice  
20 Massachusetts Ave. N.W. Suite 5100  
Washington, DC 20535

November 7, 2006

Dear Mr. Liner,

Enclosed you will find the sixth group of documents.

RELEVANCE:

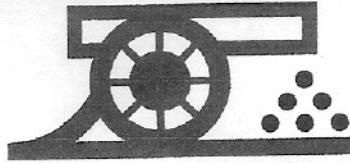
- The letter to my Senator Saxby Chambliss from ATF about this issue is extremely telling. I am under the understanding that it was drafted by James P. Vann. In the fifth paragraph, first page please note that it is stated that FTB does NOT discuss technical issues on the telephone. Please compare to the enclosed April 6, 2004 letter from ATF that a telephone number is SOLELY dedicated to address technical questions of licensed FFL's. It appears that ATF/Mr. Vann made a false statement to the Senator.
- Please look at the second page of the above mentioned letter. Please note the Director/James P. Vann have found no evidence that of their own misconduct. Please compare to the letter of March 2, 2006 where ATF/Lewis P. Radon/James P. Vann state plainly they are considering my allegations. If on January 20th the ATF states to my Senator that there is no evidence. Who is the ATF telling the truth to?
- It is laughable that Mr. James P. Vann states in his drafted letter for ATF that he is going to consider investigating himself for any wrong doing.

Respectfully,

Len Savage

LEN SAVAGE, PRESIDENT

# Historic Arms L.L.C.



706-675-0287 Home  
706-675-0818 Shop

Acting Director: Michael Sullivan  
Bureau of Alcohol Tobacco Firearms and Explosives  
Washington, DC 20226

January 18, 2007

Dear Mr. Sullivan,

I contacted you by correspondence on October 4, 2006 about an alarming situation that was being perpetrated by Bureau of Alcohol Tobacco Firearms and Explosives [BATFE] management. You have refused to even give a courtesy call or note on my concerns. I have attempted to talk with you about this on several occasions but you refuse to speak with me.

Enclosed you will find a copy of correspondence to BATFE Office of Chief Counsel, James P. Vann. I must also note that FTB Assistant Chief, Rick Vasquez has instructed me to contact Mr. Vann and ask him where are my product submission responses, as he very clearly told me that he is no longer making technical decisions about my products, but Mr. Vann is. I am most perplexed, is Mr. Vann also an engineer, or gunsmith? How does Office of Chief Counsel override scientific evidence of a technical nature? What does this say about prior convictions based on testimony that is not scientific, but determined by an attorney?

Mr. Sullivan, I must remind you of our United States Constitution, Article I, Section 9; Clause 3 is: ***"No Bill of attainder or ex post facto law shall be passed"***.

With ***"ex post facto"*** declaration of my companies products as illegal, when ATF had already documented the fact in writing that it was neither a firearm or machinegun is self revealing. Especially when given the reasoning from ATF management, as being a re-interpretation of existing law.

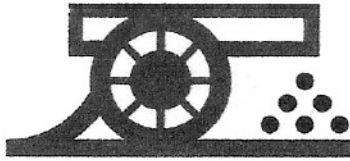
I trust your positive response to my request for communication will be forthcoming in a short period of time.

Respectfully,

A handwritten signature in black ink, appearing to be 'Len Savage', written in a cursive style.

LEN SAVAGE, PRESIDENT

# Historic Arms L.L.C.



706-675-0287 Home  
706-675-0818 Shop

January 18, 2007

James P. Vann  
Office of Chief Counsel  
Bureau of Alcohol Tobacco, Firearms, and Explosives  
650 Massachusetts Ave. NW  
Washington, DC 20226

Reference: Unanswered correspondence

Mr. Vann,

I am concerned about the lack of answers to correspondence that was sent to BATFE Firearms Technology Branch (FTB) many months ago. I spoke with you about it, and even resent via FAX last October as you requested.

I must remind you of your drafted letter [referenced under: CC-91743 FE:JPV], in which you state: "We wish to advise you that in the future we are requiring you to make all inquiries to ATF in writing." Mr. Vann since my industry is regulated by ATF, and is competitive, and my competitors can and do call ATF with technical requests and discussions, the above cited ATF correspondence appears to be a "bill of attainder". This policy only impacts myself and my company Historic Arms LLC, and appears to have all of the required criteria to be a "bill of attainder", giving every other Federally licensed firearms manufacturer a competitive edge [being able to communicate with ATF orally over the telephone] .

I have agreed to FTB requests that are detailed [referenced under: 903050-MRC, 311/2006-582], though unwarranted, nor required by law.

However, I want to be perfectly clear that I do expect detailed, cognitive answers to the ALL of the requests for clarification [i.e. Questions] in the letter of August 2, 2006 from myself to the Chief of FTB [enclosed].

I trust that your positive response to this request will be forthcoming in a short period of time on the enclosed document, as well the other unanswered correspondence from myself and my company.

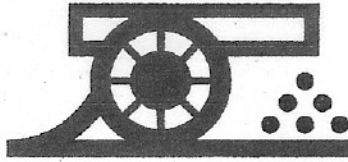
Sincerely,

Len Savage

A handwritten signature in black ink, appearing to be 'L. Savage', written in a cursive style.

LEN SAVAGE, PRESIDENT

# Historic Arms L.L.C.



706-675-0287 Home  
706-675-0818 Shop

Acting Director: Michael Sullivan  
Bureau of Alcohol Tobacco Firearms and Explosives  
Washington, DC 20226

October 4, 2006

Dear Mr. Sullivan,

I must bring to your attention a situation that is more than a little alarming. I am a licensed firearms manufacturer, and a Special Occupational Taxpayer [07/SOT]. Designing and producing firearms is my sole means of making a living

Prior to assisting the defense in US v. Wrenn (Nov.-05), a product trade named the "BM-3000" was classified by ATF as a "non-firearm" [please refer to document 903050:RDC 3311/2005-500 July 11, 2005]. Only after that federal case, ATF came up with "a new theory of litigation" and the subsequent overturning of a standing ATF classification [refer to document 903050:RDC 3311/2005-500, April 20, 2006].

This overarching theme of "retribution" from ATF management goes far beyond the above incident. I have been forbidden to contact ATF by telephone as my competitors can [please refer to document CCV-91743 FE:JPV]. Mr. Lewis P. Raden in March of this year had promised me that the ATF would investigate themselves for any wrongdoing [please refer to document CC-90531 FE:JPV].

The situations seems to be heading towards "out of control" status. I was threatened by Mr. David Chipman most recently, the conversation that was mentioned in his letter [between FTB Chief, Sterling Nixon, and myself] was misrepresented [please refer to CC-93,189 FE:JPV]. I am truly fearful what being "compelled" may entail, given the ATF track record of compelling folks at Ruby Ridge, and Waco.

I have spoke with Rick Vasquez, Assistant Chief, of Firearms Technology Branch, and with James P. Vann of the ATF Chief Counsels office in the last 48 hours. The matter at hand is that six (6) pieces of correspondence from my company have seemingly been lost by ATF. I have been asked by Mr. Vann to resubmit them [to him], and HE would see to it they will get to the "right" people. While I applaud Mr. Vann for his cooperative attitude, I wanted to bring you into the loop, as this is surely a matter that appears to be getting worse.

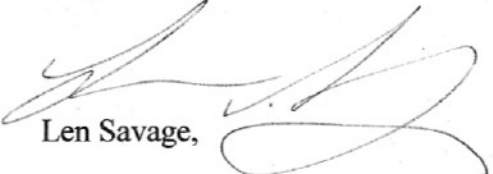
Mr. Sullivan, there are many questions that have been asked of the ATF in writing, and have been quite frankly ignored by members of ATF management to date. While I do understand that some question do take time to answer properly, the destruction, loss or ignoring of a written request is unacceptable of a federal law enforcement agency. I have actively sought ATF guidance in writing, so that I may operate my business in accordance of the law. The ATF is my regulating agency.

I do not expect you be able to "quick fix" any of the underlying cause, I do expect you as an officer of the court to intervene where there may be unconstitutional acts occurring. In short I require answers to these questions so that I may make my living. This situation has become in all appearances, economic sanctions that are not supported by any court order I'm aware of.

Enclosed you will find the letters ATF has apparently lost, and a -"Brief of Facts" concerning the uninvited, "reconsideration" of a standing ATF determination.

Please feel free to contact me if I can help clarify any issue I have raised, or if any of the documents I referred are also missing from ATF files.

Respectfully,

  
Len Savage,

Historic Arms LLC



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

JUL 1 1 2005

903050:RDC  
3311/2005-500

www.atf.gov

Mr. Len Savage  
President  
Historic Arms LLC  
1486 Cherry Road  
Franklin, GA 30217

Dear Mr. Savage:

This refers to your letter of June 29, 2005, to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regarding a resubmission of a modified RPD 7.62x39mm-type upper receiver assembly, designated the "BM-3000," that FTB received for examination and classification.

As you are aware, in our previous correspondence to you (referenced under 3311/2005-343), FTB held that the submitted "BM-3000," 7.62x39mm-caliber sample incorporated a frame or receiver of a machinegun. It was therefore classified as a "machinegun" as defined in 26 U.S.C. § 5845(b).

To summarize, the resubmitted sample is comprised of the following components:

- Receiver.
- Top cover assembly.
- Forearm.
- Gas system.
- Barrel approximately 20-1/2 inches long.
- Bolt carrier assembly.
- Bolt assembly.
- Metal receiver insert approximately 3.074 inches (78mm) long.
- Modified shoulder stock assembly.

The receiver of this sample is marked "**HISTORIC ARMS LLC FRANKLIN GA**" (left side) and "**BM-3000**" (right side).

Mr. Len Savage

This current reexamination by FTB revealed the following characteristics/features of the receiver assembly:

- Manufactured from three separate sections (seams are visible internally).
- Sides machined to accommodate a lower receiver assembly of an M-11/NINEmm type firearm, preventing installation of an original RPD-type trigger group.
- Two extensions added to the underside of the RPD receiver for an M-11/NINEmm takedown pin.
- Bolt-carrier slots undersized to approximately .198 inch (5mm), preventing installation of an original RPD bolt carrier.
- Approximately 5.622 inches (16mm) of the left bolt-carrier slot filled with weld.
- Metal bar approximately 8.75 inches (221mm) by .505 inch (13mm) welded to the exterior of the left receiver wall.
- Top cover assembly marked "IIK 372 6". No alterations or modifications were noted.

Further, the examination of the "BM-3000" submitted under this correspondence found that a metal bar, approximately 6.25 inches x .181 inch, has been welded into the (previous) cocking handle slot. There are four visible welds securing the bar to the receiver wall.

When assembled onto a lower receiver of an M-11/NINEmm type firearm as intended, the bolt assembly cannot be withdrawn to the rear unless the top cover assembly is lifted.

The reexamined, modified Historic Arms LLC "BM-3000" is a significantly redesigned assembly when compared to an original RPD type firearm. The frame, being designed to mate with the frame or receiver of an M-11/NINEmm type firearm, will not allow the introduction of an original RPD bolt/bolt carrier assembly or a cocking handle.

In conclusion, FTB has determined that the frame of the submitted Historic Arms LLC "BM-3000" does not constitute a frame or receiver of a "firearm" as that term is defined in 18 U.S.C. § 921(a)(3). Additionally, the frame does not constitute a frame or receiver of a "machinegun" as that term is defined in 26 U.S.C. § 5845(b).

This determination is relevant to the configuration of the item as submitted under this correspondence.

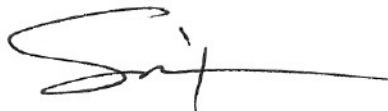


Mr. Len Savage

Any alterations or modifications to the design would void this classification and subject the item to further review.

We trust the foregoing was responsive to your request for an evaluation. The sample will be returned to you under separate cover.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Nixon", with a long horizontal flourish extending to the right.

Sterling Nixon  
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226  
www.atf.gov

903050:RDC  
3311/2005-500

**APR 20 2006**

Mr. Len Savage  
President  
Historic Arms LLC  
1486 Cherry Road  
Franklin, Georgia 30217

Dear Mr. Savage:

This is in reference to a classification sent to you on July 11, 2005 by the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regarding a resubmission for examination and classification of a modified RPD 7.62x39mm-type upper receiver assembly, designated the "**BM-3000.**"

In our prior correspondence with you we stated:

*The reexamined, modified Historic Arms LLC "BM-3000" is a significantly redesigned assembly when compared to an original RPD type firearm. The frame, being designed to mate with the frame or receiver of an M-11/NINEmm type firearm, will not allow the introduction of an original RPD bolt/bolt carrier assembly or a cocking handle.*

*In conclusion, FTB has determined that the frame of the submitted Historic Arms LLC "BM-3000" does not constitute a frame or receiver of a "firearm" as that term is defined in 18 U.S.C. § 921(a)(3). Additionally, the frame does not constitute a frame or receiver of a "machinegun" as that term is defined in 26 U.S.C. § 5845(b).*

**Upon reconsideration, we are hereby overturning that classification.**

As you are aware, the National Firearms Act (NFA), 26 U.S.C. § 5845(b), defines the term "**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. This 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."*

Mr. Len Savage

“**Firearm**” is defined in 18 U.S.C. § 921(a)(3) of the Gun Control Act of 1968 (GCA), as amended:

The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

“**Receiver**” is defined in regulations implementing both the GCA and NFA, 27 C.F.R. §§ 478.11 and 479.11, as “That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.”

The “**BM-3000**” is comprised of the following components:

- Receiver.
- Top cover assembly.
- Forearm.
- Gas system.
- Barrel approximately 20-1/2 inches long.
- Bolt carrier assembly.
- Bolt assembly.
- Metal receiver insert approximately 3.074 inches (78mm) long.
- Modified shoulder stock assembly.

The receiver of this sample is marked “**HISTORIC ARMS LLC FRANKLIN GA**” (left side) and “**BM-3000**” (right side).

The reexamination by FTB revealed the following characteristics/features of the receiver assembly:

- Manufactured from three separate sections (seams are visible internally).
- Sides machined to accommodate a lower receiver assembly of an M-11/NINEmm type firearm, preventing installation of an original RPD-type trigger group.
- Two extensions added to the underside of the RPD receiver for an M-11/NINEmm takedown pin.
- Bolt-carrier slots undersized to approximately .198 inch (5mm), preventing installation of an original RPD bolt carrier.
- Approximately 5.622 inches (16mm) of the left bolt-carrier slot filled with weld.

Mr. Len Savage

- Metal bar approximately 8.75 inches (221mm) by .505 inch (13mm) welded to the exterior of the left receiver wall.
- Top cover assembly marked "ПК 372 6". No alterations or modifications were noted.

Further, the examination of the "BM-3000" found that a metal bar, approximately 6.25 inches x .181 inch, had been welded into the (previous) cocking handle slot. There were four visible welds securing the bar to the receiver wall.

When assembled onto a lower receiver of an M-11/NINEmm type firearm as intended, the bolt assembly cannot be withdrawn to the rear unless the top cover assembly is lifted.

Since the "BM-3000" provides housing for the bolt, breechblock and firing mechanism, it is a "receiver" as defined in 27 C.F.R. §§ 478.11 and 479.11. Further, while it is not threaded at the forward end, it does provide an attachment point for the barrel. Therefore, it is a "firearm" as defined in 18 U.S.C. § 921(a)(3) as it is the frame or receiver of any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

The "BM-3000" is a "machinegun" as defined in the NFA due to its design characteristics and features, which facilitate the firing of more than one shot, without manual reloading, by a single function of the trigger, and because it incorporates the frame or receiver of a machinegun. Its design features include its ability to utilize the same RPD gas system and feed system. It is also belt-fed. Further, while it has been modified such that it will no longer accept an original RPD bolt/bolt carrier assembly, the modified bolt assembly supplied does not prevent automatic fire, and in fact is designed such that the firearm will only function in the automatic mode. Also, a semiautomatic firearm typically is striker fired or hammer fired. The BM-3000 is designed to fire from the open bolt and does not utilize a striker or hammer but rather incorporates the firing pin in the bolt itself.

Our initial classification stated that it was neither a "machinegun" nor a "firearm." This was based on the differences between an original RPD and the submitted sample. When viewed independently, it is apparent that the firearm submitted is designed to shoot automatically with the addition of the M-11/NINE type lower receiver. The prior classification was also based on the fact that the cocking handle slot was welded shut. However, this would not prevent the firearm from being fired were it to be assembled.

Further, if an M-11/NINE type submachinegun lower receiver is possessed along with the "BM-3000", it would also be a machinegun as it would be a combination of parts from which a machinegun can be assembled. This is because it appears that when the M-11/NINE type lower receiver is added, it will fire more than one shot, without manual reloading, by a single function

Mr. Len Savage

of the trigger. We did not test fire the sample submitted as a complete fitted sample was not provided.

The "**BM-3000**" is subject to all of the controls of the NFA and GCA. Manufacture of the machinegun for resale would be restricted to persons holding a manufacturer's license under the GCA and qualified as Special Occupational Taxpayers (SOT) under the NFA.

These findings are applicable only to the specific item as submitted. Any alterations or modifications to the "**BM-3000**" may affect this classification and subject the assembly to further review.

It should also be noted that attaching a registered pre-1986 M-11/NINE type submachinegun lower receiver to the "**BM-3000**" does not result in a machinegun that can be legally transferred to, or possessed by, the general public. 18 U.S.C. § 922(o) prohibits the manufacture of machineguns after May 19, 1986, for other than law enforcement use. Attaching a pre-1986 M-11/NINE type lower receiver to the "**BM-3000**" results in the manufacture of a new and different machinegun that bears little resemblance to the pre-1986 registered machinegun.

The new firearm has many of the characteristics of an RPD. Little is left that resembles the M-11/NINE. The M-11/NINE type submachinegun lower receiver is used merely as a fire control system. Accordingly, the resulting weapon would not be a machinegun that was lawfully possessed prior to May 19, 1986, and can only be manufactured, transferred, and possessed for law enforcement use.

In addition, assembly of the two receivers amounts to "making" a machinegun under the NFA which requires filing an ATF Form 1, or, in the case of a qualified Special Occupational Taxpayer, an ATF Form 2, to register the newly assembled machinegun.

We trust the foregoing was responsive to your request for a classification.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Nixon', written in a cursive style.

Sterling Nixon  
Chief, Firearms Technology Branch



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

www.atf.gov

CC-91743 FE:JPV

APR - 4 2006

Mr. Len Savage, President  
Historic Arms, LLC  
1486 Cherry Road  
Franklin, Georgia 30217

Dear Mr. Savage:

This letter is in regards to your facsimile to Kenneth Houchens dated January 17, 2006, and your letter to Director Truscott dated March 1, 2006. Your January 17, 2006, letter concerns altering or obliterating the original serial number on your Ballou Beltfed Device. Your March 1, 2006, letter states that an ATF employee, Mr. Rob Howard of the National Firearms Act (NFA) Branch, instructed you to commit a felony by altering this serial number.

As you know, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is tasked with administering the provisions of the Gun Control Act (GCA) of 1968. The GCA requires Federal firearms manufacturers to mark firearms with a serial number. Specifically, 18 U.S.C. § 923(i) states:

Licensed importers and licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Attorney General shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

ATF has interpreted this requirement as requiring an actual number as part of the serial number. While letters may be used as a part of the serial number, the serial number cannot be comprised solely of letters. Therefore, the firearm submitted by you does not contain a valid serial number. The use of "NA" as a serial number in conjunction with at least one numeric character (NA1 or 1NA) will satisfy ATF's serial number marking requirements.

In your letter you claim that an employee of the NFA Branch is requesting that you commit a felony. Presumably, this allegation is based on 18 U.S.C. § 922(k) which makes it "unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or

Mr. Len Savage, President

altered, or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered."

Here, the firearm has not been properly serialized in the first instance. Thus, ATF is not requesting that you alter or destroy the number; rather, ATF is directing you to comply with the GCA serial number identification requirement.

Until you provide ATF with a proper serial number for your Ballou Beltfed Device, the NFA Branch will not approve your Form 2. If you choose not to place an approved serial number on your weapon consistent with ATF policy, you must abandon your weapon to your local ATF office.

Further, you have recently made numerous accusations regarding Sterling Nixon's return of your Ballou Beltfed Device. Specifically, you have stated that Mr. Nixon's return of your device has violated federal law. Please be advised that the Federal Government is exempted from the provisions of the GCA under 18 U.S.C. § 925(a)(1). Further, the law regarding transfers of NFA weapons is not applicable to the Federal Government. See 26 U.S.C. § 5852 and 27 C.F.R. § 479.90.

Lastly, we wish to advise you that in the future we are requiring that you make all inquiries to ATF in writing. This policy is being implemented due to your numerous inquiries to our offices. Since 2002, Firearms Technology Branch has corresponded with you approximately 30 times. This does not include correspondence written to you by the other branches including the NFA, or correspondence to Senators and Congressmen who were inquiring on your behalf. You have telephoned FTB, NFA, Chief Counsel, and the Director's office on an almost daily basis. You have sent numerous faxes and emails demanding a response to your questions. This level of contact restricts ATF's ability to complete necessary work. Should you need to contact ATF, please do so in writing and a response will be prepared.

Sincerely yours,



for Lewis P. Raden  
Assistant Director



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Washington, DC 20226

www.atf.gov

CC-90531 FE:JPV

MAR - 2 2006

Mr. Len Savage  
President  
Historic Arms, LLC  
1486 Cherry Road  
Franklin, Georgia 30217

Dear Mr. Savage:

This is in response to your letter dated July 11, 2005, to the Director, in which you express concern about the Firearms Technology Branch (FTB) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In your letter, you express concern that the Firearms Technology Branch does not have a written testing procedure for evaluating firearms, and you also allege that ATF staff has threatened you. Your letter has been referred to the Office of Enforcement Programs and Services for response. We apologize for the delay in our response.

First, you express concern that the Firearms Technology Branch does not have a written procedure for evaluating firearms. As you are aware, ATF is the Federal agency charged with administering the Federal firearms laws. Under the provisions of both the National Firearms Act (NFA) and the Gun Control Act of 1968 (GCA), ATF is required to make classifications of particular firearms in order to administer and enforce these laws. It is often required that a firearm be tested by ATF to determine whether it is regulated under Federal law. ATF does not have a Firearms Testing Manual addressing procedures for the classification of every firearm. ATF does have written established procedures for certain classifications, including firearms silencers, and grenade launchers, and firearms import criteria. The Firearms Technology Branch has for many years utilized established procedures for testing firearms, and these procedures are part of every Firearms Enforcement Officer's on-the-job training. At this time, the Firearms Technology Branch is in the process of converting these procedures into written form.

In your letter, you suggest several steps that you think would be beneficial to ATF concerning the classification of firearms. We welcome suggestions from the public and will certainly consider your proposals.

Second, in your letter you allege that you have been threatened directly and indirectly by ATF personnel. We are also in receipt of your letter dated January 17, 2006 to Judge Margaret B. Seymour in which you make further allegations against ATF personnel. ATF personnel strive to



Mr. Len Savage

offer excellent customer service, and they routinely handle themselves in a professional and courteous manner. We are currently considering your allegations and will take appropriate action should it be warranted.

We thank you for your letter and hope that this has been responsive to your concerns.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L. P. Raden", with a long, sweeping horizontal line extending to the right.

Lewis P. Raden  
Assistant Director  
Enforcement Programs and Services



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

AUG 9 2006

Washington, DC 20226

www.atf.gov

CC-93,189 FE:JPV

CERTIFIED MAIL/  
RETURN RECEIPT REQUEST

Mr. Len Savage  
President  
Historic Arms LLC  
1486 Cherry Road  
Franklin, Georgia 30217

Dear Mr. Savage,

This is in response to your letter dated May 10, 2006, in which you raise questions concerning our reclassification of the BM-3000 that you submitted. Specifically, in your letter you state that "I assume all BM-3000s manufactured between July 31, 2005, and April 20, 2006, 'grandfathered' are legal to possess by my company's customers." This assumption is incorrect since the possession of a machinegun manufactured after May 19, 1986, is generally prohibited. There is no provision for "grandfathering" these machineguns.

It should be noted that in a conversation you had in December of 2005 with Sterling Nixon, Chief of the Firearms Technology Branch, you were specifically asked whether you had sold any of these firearms. You were advised at that time that FTB was reexamining your submission. You stated in that conversation that you had not sold any of these firearms. You were advised by Mr. Nixon not to sell any of the BM-3000s until the reexamination was complete.

We urge you to contact your customers who purchased the BM-3000 and advise them that they are in possession of an unregistered machinegun. They should be advised to contact their local ATF office and make arrangements to abandon these machineguns.

Further, please provide us with the names and addresses of those customers to whom you have sold the BM-3000. This information is necessary so that we may contact them and arrange for them to turn over the machinegun as they may be unaware that they are in possession of an illegal firearm. If you do not provide us with this information within ten (10) days of your receipt of this letter, we will take appropriate legal action to compel its submission.

-2-

Mr. Len Savage

Further, if you have not done so, you must immediately register any BM-3000s that you have in your inventory. These weapons are subject to 18 U.S.C. § 922(o) and may be lawfully manufactured only for law enforcement and the military and not for commercial sale.

I hope that this has been responsive to your inquiry.

Sincerely yours,

*Cherie MacKee*

*for* David H. Chipman  
Chief, Firearms Programs Division

Cc: Division Counsel, Charlotte