

EXHIBIT G



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July 7th, 2017

Bureau of Alcohol Tobacco and Firearms
Firearms Technology Division
244 Needy Road, Suite 1600
Martinsburg, WV 25405
fire_tech@atf.gov

Dear ATF FATD,

Franklin Armory® is currently developing a self-stabilizing projectile for use in long distance shooting and/or military applications that we believe will have superior performance through transonic environments. Our goal is to increase bullet stability as the projectile decelerates through the speed of sound. While we will not be disclosing the projectile shape in this correspondence, we can say that the barrel will not be rifled. Please find the NRS barrel print attached. We call this an “NRS” barrel because, as far as we can tell, this design is Not a Rifle or Shotgun barrel. Since we do not yet know the full potential of our concept, we respectfully ask the department to not disclose this correspondence to any other party, including FOIA requests.

In order to ensure proper obturation for the new projectile, we have decided to utilize proven land and groove dimensions inside the bore. For example, on a 308 bore, we have specified .305” lands and .308” grooves. However, our design deviates from common practice since the bore itself will feature straight cut lands and grooves. Please find the NRS barrel print attached for reference.

The lands and grooves in the NRS barrel will be cut straight from the leade ahead of the chamber all the way to the muzzle, and since this design will not include helical cuts through the bore, we believe that this barrel should not be referred to as “rifled.”

In a letter responding to Eric M. Larson on November 30, 1999, the department purportedly referred to a barrel like an NRS barrel as “straight cut rifling” or “parallel rifling.” (Owen, 1999) At the time, it appears that Mr. Larson was looking for a method to turn his AOW into a non-AOW by adding lands and grooves to his bore. It appears that the department may not have been aware of any pistols that had this characteristic at the time of the response.



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Since “rifling” is generally and specifically defined as a method to impart spin to a projectile, we do not believe that a firearm equipped with an NRS barrel can be defined as a “rifle.” A “rifle” simply must have “rifling” or a “rifled bore.” Looking at the Gun Control Act of 1968, 18 U.S.C., Chapter 44, 921(a)(7), it appears that a “rifle” must have a “rifled bore.” (The U.S. Government, 1968) Similarly, the National Firearms Act of 1934, 26 U.S.C., Chapter 53, Section 5845, requires that a “rifle” must also use a “rifled bore.” (The U.S. Government, 1934) However, both acts fail to define a “rifle bore” or “rifling.”

In an effort to understand the meaning of the term, I have gathered several definitions of “rifling:”

- The NRA-ILA defines “rifling” as, “Spiral grooves in a gun’s bore that spin the projectile in flight and impart accuracy. Rifling is present in all true rifles, in most handguns and in some shotgun barrels designed for increasing the accuracy potential of slugs (a slug is a single projectile rather than the more common "shot".) (The National Rifle Association - Institute of Legislative Action, 2017)
- The NSSF defines “rifling as, “Spiral grooves formed in the bore of a firearm barrel to impart rotary motion to a projectile, to enhance accuracy.” (The National Shooting Sports Foundation, 2017)
- The Merriam Webster defines rifling as, “1: the act or process of making spiral grooves. 2: a system of spiral grooves in the surface of the bore of a gun causing a projectile when fired to rotate about its longer axis.” (The Merriam-Webster Online Dictionary, 2017)
- Wikipedia defines rifling in the following manner: “In firearms, rifling consists of helical grooves in the internal (bore) surface of a gun's barrel, which impart a spin to a projectile around its long axis. (Wikipedia, 2017)

It appears that both common definitions and trade definitions agree that rifling must have **spiral** grooves. Since our NRS barrel does not have spiral or helical cuts, we make the case that it is NOT a “rifled bore,” and a firearm made with such a barrel would not suitably be defined as a “rifle.”

Again, looking at the Gun Control Act of 1968, 18 U.S.C., Chapter 44, 921(a)(7), it appears that a “shotgun” must have a “smooth bore.” (The U.S. Government, 1968) And similarly, the National Firearms Act of 1934, 26 U.S.C., Chapter 53, Section 5845, requires that a “shotgun” must also use a “smooth bore.” (The U.S. Government, 1934) However, both acts fail to define a “smooth bore.” Turning to the same sources as above, we find the following definitions for “smooth bore:”



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- The NRA-ILA does not define smooth bore or smoothbore. However, under the definition of “shotgun” we find the following: “A shoulder gun with smooth-bored barrel(s) primarily intended for firing multiple small, round projectiles, (shot, birdshot, pellets), larger shot (buck shot), single round balls (pumpkin balls) and cylindrical slugs.” (The National Rifle Association - Institute of Legislative Action, 2017)
- The NSSF does not define smooth bore or smoothbore, but just as with NRA-ILA, smooth-bore is used in defining a shotgun: “A smooth-bore shoulder firearm designed to fire shells containing numerous pellets or a single slug.” (The National Shooting Sports Foundation, 2017)
- The Merriam Webster Dictionary does not define “smooth bore,” rather “smoothbore” is defined as, “having a barrel with an unrifled bore.” (The Merriam-Webster Online Dictionary, 2017)
- Wikipedia does not define “smooth bore,” but they do define the following: “A smoothbore weapon is one that has a barrel without rifling.” (Wikipedia, 2017)

It should be pointed out that the Merriam Webster Dictionary and the Wikipedia definitions seem to suggest that anything that is not a rifled bore must be a smooth bore. However, this is a false dichotomy. While relevant modern and historic exceptions do exist in the marketplace today, it is not likely that the authors of these definitions anticipated or were aware of a barrel design that was neither rifled nor smooth. Consequently the dichotomy that they create is contrived from popular convention without merit of potential alternatives.

Based off of the NRA-ILA and NSSF definition of shotgun, I would suggest that a firearm equipped with our NRS barrel design would not be defined as a having a “smooth bore.” The ridges caused by the lands and grooves clearly define a barrel that simply cannot be described as smooth.

It is also important to note that barrels with straight cuts, similar in design to the NRS barrel, have been around for at least 140 years.(!) One popular example is from the Husqvarna Vapensfabrik. Some of these firearms were alleged to have been manufactured with barrels that featured straight cut lands and grooves at least as early as 1877. (Skydevaaben.com) At least one Youtube video can be found showing this historic firearm configuration. (Gungeek, 2014) Given that this type of barrel was created 57 years prior to the passage of the National Firearms Act, it is interesting to note that Congress never found it necessary to regulate firearms with this type of barrel configuration. Certainly by the time the Gun Control Act was passed in 1968 or the Public Safety and Recreational Firearms Use Protection Act was passed in 1994, Congress could

“Those who would give up Essential Liberty to purchase a little Temporary Safety deserve neither Liberty nor Safety”
- Benjamin Franklin



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have addressed the issue. Whether overtly or through omission, Congress has never found it necessary to regulate a firearm with this type of barrel configuration. This is most likely due to the fact that most criminals in the early 1930s (or since) were not using this type of firearm to commit crimes, so there was no reason to further regulate them in the marketplace. In any case, it was well within the purview of Congress to regulate this design just as easily as any other, yet they chose not to.

There are modern examples of firearms with straight cut lands and grooves in the barrels:

- The Thompson Center Contender pistol in 45 Colt/410 gauge is said to have a rifled barrel with a straight choke. (It is interesting to note that, in the 1992 landmark case in front of the Supreme Court of the United States, the court applied the “rule of lenity” regarding frames that can accept pistol and/or rifle components. (The U.S. Supreme Court, 1992) Perhaps that rule would apply in this instance as well.)
- Multiple sources have stated that Briley manufactured a straight cut choke tube, but we were unable to locate any for sale on their website at this time.
- Hastings has created a “Wadlock” design that features six straight lands designed to prevent shotgun wads from spinning. They contrast their design against smooth bore barrels that are reportedly less accurate. (Hastings Verney-Carron Brand Name, 2017)

With the possible exception of *United States v. Thompson*, it does not appear that any public rulings have been issued on this topic. I was not able to locate any determinative opinion letters issued by the department that directly related to barrels that were neither smooth nor rifled. It does appear that the Gun Control Act of 1968, 18 U.S.C., Chapter 44, 921(a)(3) does define a firearm as “(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.” (The U.S. Government, 1968) Consequently, we do believe that it is necessary that we ask the department to provide an opinion on the following questions:

- What is the classification of a firearm featuring an NRS barrel equipped with straight cut lands and grooves, a stock, and has an overall length of over 26 inches?
- What is the classification of a firearm featuring an NRS barrel equipped with straight cut lands and grooves, a stock, and has an overall length of under 26 inches?



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- What is the classification of a firearm that does not have a stock but features an NRS barrel with straight cut lands and grooves and has an overall length of **under** 26 inches?

We hope that the supporting information has been helpful, and we look forward to your response.

Respectfully,

[Digitally signed. Hard copy in the mail.]

Jay Jacobson
President
Franklin Armory®



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