

Ares Armor  
208 N Freeman St  
Oceanside, CA 92054  
April 08, 2014

The Honorable B. Todd Jones  
Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
99 New York Avenue, N.E.  
Washington, D.C. 20226

Dear Director Jones,

The situation that has occurred in California in regards to EP Armory's product has seemingly spiraled out of control. I write this letter to you myself, not with the help of an attorney, in hopes that we can work together to de-escalate this situation before it exacerbates into something much worse. I understand that you came into this position on the heels of a badly botched operation and your intention is to fix the problems in your organization. Not an easy task. You have my respect for taking on such a prodigious responsibility.

With respect to the raid, confiscation of property and the taking of citizen's private information from our computer systems, I wish to direct your attention to the correspondence between Jason Davis and Earl Griffith. I have attached these correspondences in full to this letter.

Earl Griffith, Head of FTB, on February 7, 2014 states the following:

*"In interpreting the GCA and implementing regulations as applied to AR-type firearms, ATF has long held that any machining of the fire-control cavity is the legally significant step in making a receiver"*

**It is important to note that the receivers in question have NO machining of the fire-control cavity.** However, FTB's determination in that letter was as follows:

*"We further noted that the fire-control cavity has been formed and then, at a later time, filled in with plastic material."*

*"It is our determination that when the fire-control cavity was formed during the manufacturing process, the submitted casting reached a point in its manufacture to be classified as a "firearm" as defined in 18 U.S.C. 921(a)(3)."*

The initial determination was based on a now admitted incorrect assumption made by the FTB on how the product was manufactured. This incorrect assumption was then clarified by Jason Davis in his response dated March 4, 2014.

I have today been provided a copy of Mr. Griffith's response to Jason Davis' request for re-determination. This response is not dated, but contains the following reference:

903050:MRC  
3311/301179

In this new letter the FTB has held firm on their opinion of determination but seemingly has changed their reasons. They essentially make two arguments, both of which I will demonstrate have no merit.

1. The first argument pertains to the forming of the fire-control cavity and is as follows:

*"In your request for reconsideration, you noted several letters in which FTB determined that certain submissions were not firearm receivers. However, in each of those examples the fire-control cavity was the same material as the receiver itself and the material filling the fire-control cavity is integral to the item; therefore the fire-control "cavity" had not been created." –Page 3, Mr.Griffith*

I have spoken with Chris Cook, who is the owner of EP Arms. He has advised me of the scientific aspects of his manufacturing process, which I wish to share with you.

As he has explained to me, he uses the same polymer compound for both the "biscuit" and for the outer portion of his product. This causes the polymers to bond to one another and form a "single piece of material." **This means that the fire-control cavity, although differently colored, is in fact integral to the item. Therefore; the fire-control "cavity" has NOT been created.**

This topic led my mind to a hypothetical question. What if someone produced a similar product but did in fact use a different material?

As you well know, GCA implementing regulations, 27 CFR § 478.11, define a "firearm frame or receiver" 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." Mr. Griffith stated in his letter dated February 7, 2014 that any machining to the fire-control cavity is in fact the legally significant step in making a receiver. A cavity as defined at <http://www.merriam-webster.com/dictionary/cavity> is "an unfilled space within a mass; *especially* : a hollowed-out space."

With this in mind, I am led to believe that the material makes no difference. As long as the fire-control cavity is in fact solid (not a **hollowed**-out space) and requires machining or cutting to create the fire-control cavity (hollowed-out space capable of housing the firing mechanism.) The item should NOT be considered to be a "firearm frame or

receiver” as defined in the GCA, appropriate implementing regulations or known opinion letters from the ATF FTB.

In short, as long as the fire-control “hollowed-out space” is in no way started (as in there is no part of the area to become the fire-control cavity that is hollow) and requires “machining” or tools to create that “hollowed-out space,” the item cannot be a receiver.

Mr. Griffith’s letter goes on to state:

*“...EP Arms manufacturing process creates a fire-control cavity through the use of a “biscuit”” –Page 4, Mr.Griffith*

The foregoing statement defies a simple test of logic. I pose the following question in response: **How is it possible to create a hollow space with a solid “biscuit”? Would not the “cavity” not actually exist because there is no hollow space due to the solid nature of that very same “biscuit” that fills the space?**

2. The second argument pertains to “indexing marks” and is as follows:

*“ATF has long held that “indexing” of the fire-control area is sufficient to require classification as a firearm receiver” –Page 5, Mr.Griffith*

This statement is in direct conflict with the previous statement in Mr. Griffith’s letter dated February 7, 2014 where he stated:

*“...ATF has long held that any machining of the fire-control cavity is the legally significant step in making a receiver”*

Which one is it? How is it that the legally significant step of “...any machining of the fire-control cavity...” now somehow involves markings of the fire-control area? If ANY machining is the legally significant step, how can the goal post of “any machining” now be arbitrarily moved backwards to “indexing marks” which are done PRIOR to ANY machining?

*“The point in the manufacturing process at which an AR-15 blank is classified as a firearm is when it has been indexed for or machined in the fire-control recess area. ...this excess material indexing the location for the holes to be drilled is, by itself, sufficient to classify the sample as a firearm receiver.” –Page 6, Mr.Griffith*

Not only is this in conflict with previous statements from the FTB but I would like to direct your attention to the UNITED STATES v. PRINCE. The ATF has already lost this argument in Federal Court. Please read the following:

*“The court finds that the metal flat shipped to Prince is not a firearm. The court carefully considered the expert testimony of Agent Adam Galbraith, and reviewed the material submitted by the government concerning ATF opinions. However, the court simply does not believe that a flat piece of metal with laser perforations and holes constitutes a “receiver,” i.e., a “firearm.” Rather, the flat piece of metal is somewhat akin to a piece of paper with lines drawn on it as a guide to make a paper airplane. Although making the paper airplane might be the intended use, it is not an airplane until it is properly folded. Until that time, it is a patterned piece of paper. Simply put, this court has no evidentiary or legal basis for holding that a flat piece of metal with laser perforations and some holes constitutes, ultimately, a “firearm.””*

<http://caselaw.findlaw.com/us-10th-circuit/1506044.html>

In the United States v. Prince, the ATF’s opinion was that laser cuts (which indexed where to fold the metal on a flat for an AK-47) caused a flat piece of metal to be considered a “frame or receiver.” The court disagreed! The Court viewed these indexing marks as lines drawn on a piece of paper as a guide to make a paper airplane. **The presence of these lines (indexing marks) by themselves does not make the piece of paper into a paper airplane until it is folded into one, even if the intended use of that piece of paper was to be folded into a paper airplane in the future.** As such, indexing marks cannot be causation to classify an item as a “frame or receiver.”

In summation, EP Armory’s product cannot be classified as a “firearm” for the following reasons:

1. It does NOT have ANY MACHINING, hollowed out space or void in the area that is intended to become the fire-control cavity, which in the ATF’s opinion is the “legally significant step.” However, letters of determination from the ATF FTB are merely the ATF’s opinion and are in NO WAY law. What is actually law is outlined in reasons 2-4.
2. The Courts have ruled that lines for a paper airplane do not make a piece of paper into a paper airplane despite intended use. Therefore, indexing marks do not constitute an item to be classified as a firearm despite their intended use. This is the law and this is FACT.
3. Under GCA implementing regulations, 27 CFR § 478.11 this item CANNOT provide housing for the hammer, bolt, breechblock or firing mechanism, and is NOT threaded at its forward portion to receive the barrel. This is the law and this is FACT.

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4. Under the GCA, 18 U.S.C. § 921(a)(3) this item lacks the necessary parts and is NOT a weapon designed to, or readily converted to, fire a projectile by the action of an explosive. Nor is it the "frame" of such weapon. (See 1-3.) Nor is it a firearm muffler or firearm silencer. Nor is it a destructive device. This is the law and this is FACT.

I was pleased to read that you are a former Marine Infantry Officer. I too served in the Marine Corps as an infantryman. I fought both in Iraq and in Afghanistan. I hope and pray that the country I fought for is one where justice prevails. I implore you to do what is right in regards to this matter. I ask that you order the return of our property and order the destruction of any copies of private information that has been seized by the BATFE. If you truly want to make a change in your organization for the better, now is your chance! You have an opportunity to make things right and show the Country that the BATFE is not the lawless organization that it has been made out to be. Show us all that there is hope!

I hope that this letter finds you in good health. I understand that you are a very busy man; I will patiently await response from you or your office.

Please understand that we have been placed under immense hardship due to these events. I hope to find resolution soon; the situation is worsening by the day.

Thank you very much for your time and for your consideration of this matter. If you would like to discuss this matter in person or over the phone, I will be more than happy to do so. Thank you again.

Semper Fidelis

With great respect,



Dimitrios Karras  
CEO, Ares Armor