



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Martinsburg, West Virginia 25405  
www.atf.gov

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MAR 14 2011

Mr. Jay Jacobson  
Franklin Armory  
305 Vineyard Town Center, #220  
Morgan Hill, California 95037

Dear Mr. Jacobsen:

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch, asking about the legal classification of the Auto Ordnance, Thompson Model 1927-A5 firearm. Further, you inquired regarding the lawfulness of attaching a vertical forward grip to an AR-15 type firearm that your company manufactures and markets as a pistol, the Model SE-SSP.

With respect to the definitions of "handgun" and "pistol" under Federal statutes and implementing regulations, you may be aware that the amended Gun Control Act of 1968, 18 U.S.C. § 921(a)(29), defines "handgun" as, in part, *...a firearm which has a short stock and is designed to be held and fired by the use of a single hand....*

Additionally, 27 CFR § 479.11 defines "pistol" to mean *...a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).*

Further, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(5), defines the term "firearm" to mean, in part, "any other weapon, as defined in subsection (e)...." Finally, the NFA, 26 U.S.C. § 5845(e), defines "any other weapon [or AOW]" as follows:

*...any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.*

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Mr. Jay Jacobson

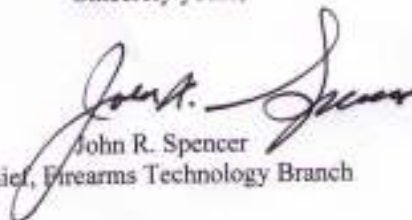
The Thompson Model 1927-A5 firearm is approximately 26-1/8 inches in overall length; contains a barrel approximately 13-1/2 inches in length; and, also, contains a pistol grip located behind the trigger and a forward pistol grip located under the barrel. Although marketed by Auto-Ordnance as a pistol, it does not conform to the definition of "handgun" or "pistol" as provided in Federal firearms statutes since it is not designed to be held and fired by the use of a single hand. Therefore, ATF has classified the Thompson Model 1927-A5 as a "firearm."

If an individual attaches a vertical forward grip to a pistol, the pistol is no longer designed to be held and fired by the use of a single hand; thus, it cannot qualify as a "handgun" or "pistol" as defined above in Federal statutes and regulations. Additionally, because it is no longer a pistol, it is not exempt from classification as an "AOW" pursuant to § 5845(e). A firearm of this type is properly classified an AOW if its overall length is less than 26 inches, or if it is actually concealed on the person.

In your letter, you state that your company's Model SE-SSP pistol has an overall length of 26.3 inches and a barrel length of 10-1/2 inches. The addition of a vertical forward grip to the Model SE-SSP would result in this firearm no longer qualifying as a "handgun" or "pistol" as explained above; however, it would not be subject to the NFA/AOW classification provided its overall length is at least 26 inches and it is not actually concealed on the person.

We thank you for your inquiry and trust that the foregoing has been responsive.

Sincerely yours,

  
John R. Spencer  
Chief, Firearms Technology Branch