



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405
www.atf.gov
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3311/2008-237

Mr. Matthew M. Carmel
Constitution Arms
12 Hoffman Street
Maplewood, New Jersey 07040

Dear Mr. Carmel:

This is in response to your correspondence dated December 17, 2007, to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), along with a urethane plastic prototype of a "Palm Pistol" submitted for evaluation.

The prototype (see photo enclosure) consists of an oval gripping surface from which a barrel protrudes at a 90° angle. Although the submitted sample does not include rifling, your previously submitted blueprint indicates that production models will have rifled barrels and be chambered in 9x19mm caliber.

As background, the Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term "**Firearm**" as follows:

...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.

In addition, 27 CFR § 479.11 defines "**Pistol**" as follows:

...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).

As the submitted item represents a weapon intended to fire a projectile from one barrel when held in one hand, having a chamber as an integral part of the bore, and having a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore, an actual item having these features would meet the definitions of "firearm" and "pistol" set forth above. Such an item would be subject to all provisions of the GCA.

Mr. Matthew M. Carmel

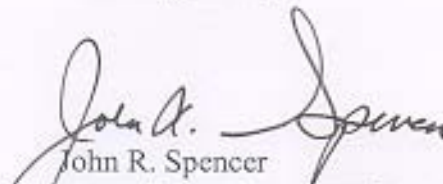
Also, since you have stated that you intend to manufacture these firearms, you should be aware that their manufacture and transfer must be conducted using an appropriate Federal Firearms License. In addition, all marking requirements detailed in 27 CFR § 478.92(a)(1) must be fulfilled.

We caution that ATF has issued a notice of proposed rulemaking to amend the definition of the term "pistol." Should the definition of "pistol" be amended, the classification of the submitted item could be affected.

To facilitate return of this sample, please provide FTB with an appropriate FedEx account number within 60 days of receipt of this letter.

We trust that the foregoing has been responsive to your request for an evaluation.

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch

Enclosure

Mr. Matthew M. Carmel

Palm Pistol Prototype

