

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Technology Branch
Report of Technical Examination



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Phone: 304-260-1699
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To:
Special Agent, Jody Keeku
Bureau of Alcohol, Tobacco, Firearms and Explosives
1000 North Water Street, Suite 1700
Milwaukee, Wisconsin 53202
414-727-6170

Date: **OCT 20 2006**
UI#: 778020-06-0107
RE: OLOFSON, David R.
FTB#: 2006-398-MMK

Date Exhibits Received: 07/24/2006

Delivered By: 7921 5763 4555

Type of Examination Requested:
Examination, Test, Classification

Exhibits:

3. Olympic Arms, Model CAR-AR, .223 caliber rifle, serial number F7079; with black nylon sling.

Pertinent Authority:

The Gun Control Act of 1968 (GCA), 18 U.S.C. Section 921(a)(3), defines the term "firearm" as follows:

"... (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."

The National Firearms Act (NFA), 26 U.S.C. Section 5845(a), defines "firearm" to include—

"... (6) a machinegun.... The term "firearm" shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon."

The NFA, 26 U.S.C. Section 5845(b), defines "machinegun", to mean:

...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. The term shall also include the frame or receiver of any such weapon, any part designed

Special Agent Jody Keeku

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Pertinent Authority (con.):


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.

Findings:

I noted the following external markings on Exhibit 3:

On the left side of the receiver

Magazine well:

-  the SGW logo.
- CAL. 223 5.56
- MOD. CAR-AR
- F7079

Above the trigger group:

- OLYMPIC ARMS
- OLY WA USA

Selector markings:

- SAFE at the 9 O'clock position.
- FIRE at the 12 O'clock position.

Exhibit 3 has a measured overall length of approximately 36-3/4 inches and a barrel length of approximately 16-1/2 inches. My research disclosed that in 1978, SGW, Inc., became licensed as a manufacturer of firearms in Olympia, Washington. In 1983, an additional license as a manufacturer of firearms was issued to Olympic Arms, Inc., trading as SGW. The initials "SGW" stand for Schuetzen Gun Works.

Exhibit 3 is a SGW, Model CAR-AR, .223 caliber rifle, serial number F7079, manufactured by Olympic Arms.

I examined Exhibit 3 to determine if any modifications were performed to convert it to a machinegun. My visual inspection revealed that commercial semiautomatic fire-control components were not used to assemble Exhibit 3. I noted that Exhibit 3 was, in fact, assembled with the following M-16 machinegun parts: trigger, disconnect, hammer, and selector. Further, the exhibit utilizes an AR-15 style bolt-carrier.

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Findings (con.):

I test fired Exhibit 3 on October 11, 2006, at the ATF test range, Martinsburg, West Virginia, with 10 rounds of commercially available, .223 caliber ammunition. First, I placed the selector switch in *SAFE* position and with a magazine loaded with five rounds, squeezed the trigger. Exhibit 3 would not fire.

Next, I placed the selector switch in the *FIRE* position and squeezed the trigger. Exhibit 3 fired five rounds, one at a time, expelling each projectile by the action of an explosive with each single function of the trigger.

Finally, I placed the selector switch in an unmarked area, but which would be the "*AUTO*" position, and with a magazine loaded with five rounds, Exhibit 3 fired one round, chambered the next, but failed to fire it. I re-cocked the weapon and again squeezed the trigger. Exhibit 3 again fired one round, chambered the next, but failed to fire it.

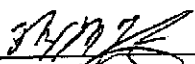
My closer examination revealed that Exhibit 3 was exhibiting a condition known as "hammer follow." That is, the hammer was not delayed in its travel, but instead closely followed the bolt as it cycled a round into battery. This meant that there was not sufficient force to cause the primer of each automatically cycled round to fire when the weapon's selector was in the unmarked "*AUTO*" position.

Conclusions:


Exhibit 3, being a weapon which will expel a projectile by the action of an explosive, is a "firearm" as defined by 18 U.S.C. 921(a)(3)(A).

Exhibit 3 is not a "machinegun" as defined in 26 U.S.C. 5845(b).

Approved by:



Max M. Kingery
Firearms Enforcement Officer



For Sterling Nixon
Chief, Firearms Technology Branch

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Firearms Technology Branch
Report of Technical Examination



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Date: **NOV 28 2006**

UI#: 778020-06-0107

RE: OLOFSON, David R.

FTB#: 2007-057-MMK

Date Exhibits Received: 11/03/2006

Type of Examination Requested:

Delivered By: 7928 7622 5484

Examination, Test, Classification

Exhibits:

3. Olympic Arms, Model CAR-AR, .223 caliber rifle, serial number F7079; with black nylon sling.

Pertinent Authority:

The Gun Control Act of 1968 (GCA), 18 U.S.C. Section 921(a)(3), defines the term "firearm" as follows:

"...(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."

The National Firearms Act (NFA), 26 U.S.C. Section 5845(a), defines "firearm" to include—

"...(6) a machinegun....The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon."

The NFA, 26 U.S.C. Section 5845(b), defines "machinegun", to mean:

"...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. The term shall also include the frame or receiver of any such weapon, any part designed

Special Agent Jody Keeku

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Pertinent Authority (con.):

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."

Findings:

I was asked by the submitting Special Agent to re-evaluate the exhibit based upon information received during her investigation that the item was observed by witnesses to have fired automatically. Based upon my knowledge and experience that similar AR type firearms, with the same modifications as this one, have fired automatically during previous evaluations, I agreed that a second evaluation was in order using multiple brands of ammunition. For the previous evaluation (see report #2006-398-MMK), I had used commercially available military surplus ammunition.

Since this was a re-evaluation of a previously tested exhibit, Assistant Branch Chief Rick Vasquez witnessed the testing procedures.

I test fired Exhibit 3 on November 6, 2006, at the ATF test range, Martinsburg, West Virginia, with 60 rounds of commercially available, .223 caliber ammunition (20 Federal, 20 Winchester, and 20 Remington). First, I placed the selector switch in *SAFE* position and, with a magazine loaded with 20 rounds of Federal brand, .223 caliber ammunition, squeezed the trigger. Exhibit 3 would not fire.

Next, I placed the selector switch in the unmarked "auto" position and squeezed the trigger. Exhibit 3 fired all 20 rounds automatically, without manual reloading, with a single function of the trigger.

I repeated the auto test with both the Winchester and Remington ammunition brands, firing 5- to 10-round bursts. In each case, Exhibit 3 fired all 20 rounds automatically.

Even though military surplus ammo is slightly more powerful than civilian brands of ammunition, military primers are much harder in order to avoid accidental discharge from rough handling. It appears that when firing the softer primered ammunition of civilian brands, Exhibit 3 has sufficient hammer force to fire and continue cycling the automatically loaded rounds following the first round.

Conclusions:

Exhibit 3, being a weapon which expels a projectile by the action of an explosive, is a "firearm" as defined in 18 U.S.C. 921(a)(3)(A).


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Conclusions (con.):

Exhibit 3, being a weapon which shoots automatically more than one shot, without manual reloading, by a single function of the trigger, is a "machinegun" as defined by 26 U.S.C. 5845(b).

Exhibit 3, being a machinegun, is also a "firearm" as defined by 26 U.S.C. Section 5845(a)(6).




Max M. Kingery
Firearms Enforcement Officer



Richard Vasquez
Assistant Chief, Firearms Technology Branch
(Witness)

Approved by:



Sterling Nixon
Chief, Firearms Technology Branch

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Report of Investigation

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Bureau of Alcohol, Tobacco, Firearms and Explosives

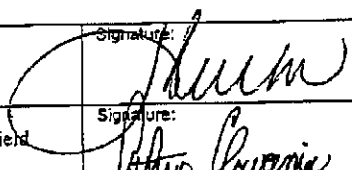
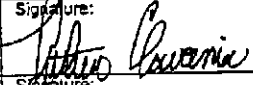

Title of Investigation: LOFSON, David	Investigation Number: 778020-06-0107	Report Number: 9
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SUMMARY OF EVENT:

Firearms Technology Branch "machinegun" determination. On October 20, 2006, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Firearms Technology Branch (FTB) Firearms Enforcement Officer (FEO) Max Kingery gave a report of Technical Examination classifying an SGW, Model CAR-AR, .223 caliber rifle, serial number F7079 as a firearm defined by 18 U.S.C. 921(a)(3)(A) and not a "machinegun". The firearm was resubmitted to FTB and on November 20, 2006, FTB FEO Max Kingery made a second determination on the same firearm and determined it was a "machinegun" as defined in 26 U.S.C. 5845(b).

NARRATIVE:

- On October 30, 2006, ATF Special Agent (SA) Jody Keeku received FTB Report of Technical Examination #2006-398-MMK from FEO Max Kingery. FEO Kingery's findings stated that visual inspection revealed that the SGW, Model CAR-AR, .223 caliber rifle, serial number F7079 did not have semiautomatic fire-control components. The rifle is assembled with M-16 machinegun parts specifically being the trigger, disconnect, hammer, and selector utilizing an AR-15 style bolt-carrier.
- FEO Kingery test fired the rifle with 10 rounds of commercially available military surplus .223 caliber ammunition. The rifle's selector was placed on safe and would not fire. The rifle's selector was then moved to the "fire" position and fired one round with a single pull of the trigger. The rifle's selector was then moved to the unmarked area, which would be the "auto" position. The rifle fired one round, chambered the next, but failed to fire.
- FEO Kingery's conclusion was that the rifle was a "firearm" as defined by 18 U.S.C. 921(a)(3)(A) and was not a "machinegun" as defined in 26 U.S.C. 5845(b).
- SA Keeku spoke with FEO Kingery regarding the determination of his test fire. SA Keeku explained to FEO Kingery that there had been three witnesses to the rifle functioning in automatic fire. SA Keeku also explained that when the rifle was fired by the witnesses they had used commercially available ammunition and not military ammunition which has a harder primer. FEO Kingery spoke with Richard Vasquez, Assistant Branch Chief, Firearms Technology Branch and requested approval that SA Keeku send the rifle back for re-examination. Vasquez agreed and instructed SA Keeku to send the rifle back to FTB for re-examination.

Prepared by: Jody M. Keeku	Title: Special Agent, Milwaukee I Field Office	Signature: 	Date: 11/27/06
Authorized by: Arthur Chavarria	Title: Resident Agent in Charge, Milwaukee I Field Office	Signature: 	Date: 11-27-06
Second level reviewer (optional): Bernard J. Zapor	Title: Special Agent in Charge, St. Paul Field Division	Signature: 	Date: 11-27-06

Investigator: OFSON, David	Investigation Number: 7780204 J107	Report Number: 9
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5. On November 27, 2006, SA Keeku received FTB's Report of Technical Examination #2007-057-MMK from FEO Kingery. Assistant Branch Chief Vasquez witnessed the re-examination and testing procedures of the rifle. FEO Kingery test fired the rifle with 60 rounds of commercially available, .223 caliber ammunition specifically being 20 Federal, 20 Winchester, and 20 Remington. FEO Kingery loaded the rifle with 20 rounds of Federal brand ammunition and placed the selector on "safe" and squeezed the trigger, it did not fire. He then placed the selector on the unmarked "auto" position and squeezed the trigger. The rifle fired all 20 rounds automatically, without manually reloading, with a single function of the trigger.
6. The test fire was repeated with both Winchester and Remington brand ammunition. In each case, the rifle fired all 20 rounds automatically. FEO Kingery explained that military surplus ammunition is more powerful than civilian brands of ammunition. Military primers are also much harder than commercially available civilian brand primers in order to avoid accidental discharges. When the rifle was fired with commercially available civilian brand ammunition, which has a softer primer, the rifles hammer force was sufficient to fire the round cycling the automatically loaded rounds.
7. FEO Kingery's conclusion is that the rifle is a "machinegun" as defined by 26 U.S.C.5845(b).

Attachments:

- a) Copy of Firearms Technology Branch, Report of Technical Examination #2006-398-MMK,
- b) Copy of Firearms Technology Branch, Report of Technical Examination #2007-057-MMK.