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1 Q Martin. So is it fair to say Mr. Martin's  
2 and Mr. Spencer's participation was at a fairly high  
3 level more or less reviewing and approving and not  
4 actively participating in the decision?  
5 A Are you meaning high level like their  
6 superior ranking or --  
7 Q Well, I was more getting at they reviewed  
8 the final product, maybe made changes, maybe didn't  
9 and approved it without getting into the substantive  
10 details of the decision.  
11 A That would be correct.  
12 Q Okay.  
13 MR. MONROE: Let's take one more break.  
14 (Thereupon, a brief recess ensued at  
15 approximately 11:43 a.m. and the proceedings  
16 subsequently resumed at approximately 11:50  
17 a.m. with all parties present).  
18 BY MR. MONROE:  
19 Q In Exhibit 1 which are the operating  
20 procedures that you wrote, there's a reference to  
21 two rulings, 82-8 and 83-5, do you recall that?  
22 A Do I recall the rulings or the reference?  
23 Q Well, first of all the reference.  
24 A Yes.  
25 Q Do you recall the ruling?

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1 A Yes.  
2 Q 82-8 if I remember had to do with some  
3 devices that were determined to be machine guns but  
4 that the ones manufactured before a particular date  
5 were not I guess treated as machine guns for  
6 purposes of transfer and possession; is that right?  
7 A Let me find it. (Reviews document).  
8 Correct.  
9 Q What is the proper treatment of one of  
10 those firearms under that ruling if it's ... I mean,  
11 I guess ATF considers it to be a machine gun but  
12 it's freely transferable without even a Form 4 if I  
13 understand it; is that right?  
14 A If it was manufactured before that date as  
15 an open bolt pistol, then ATF said we're not going to  
16 apply the machine gun classification to it.  
17 Q So I guess the conclusion is that means  
18 there's a, I don't know about the sizes, but there's  
19 some bucket of firearms that are machine guns that  
20 aren't registered, don't have to be registered and  
21 are freely transferable without a Form 4; is that  
22 right?  
23 A Well, that is correct but they are no longer  
24 allowed to be manufactured.  
25 Q I understand. So we're only talking about

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1 ones that were manufactured before a particular  
2 date?  
3 A That's correct.  
4 Q But whatever number of those there are,  
5 they're out there?  
6 A Yes.  
7 Q Now, based on your inspection and  
8 observations of the defendant, did you conclude  
9 whether it was intended to be installed on a  
10 particular firearm blower?  
11 A Can you say that again?  
12 Q I mean, did you come to any conclusion of  
13 what the purpose of the defendant was?  
14 A What the intention of the manufacturer was?  
15 Q Yes.  
16 A Or what our interpretation of what the  
17 defendant weapon was?  
18 Q What the intention of the manufacturer  
19 was.  
20 A Yes. And it's indicated that there's a  
21 portion of a MAC upper welded inside the receiver.  
22 Q And so what did you conclude the purpose  
23 of the manufacturer was in manufacturing the device?  
24 A The purpose of the manufacturer in  
25 manufacturing the device is that he wanted to install

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1 it on to a MAC receiver.  
2 Q And then what would that accomplish?  
3 A Well, with our classification, that would be  
4 the classification of two machine guns, the registered  
5 MAC or -- would be a machine gun, or if it was a  
6 semiautomatic MAC, that would be converting the  
7 semiautomatic MAC into a machine gun. And since we  
8 classified the upper as a machine gun, that would also  
9 be a machine gun in and of itself.  
10 Q And the caliber of the defendant is what,  
11 do you know?  
12 A Of the defendant weapon?  
13 Q Yes.  
14 A 7.62X54.  
15 Q And that's not the caliber of a MAC; is  
16 that right?  
17 A Correct.  
18 Q So the result would be a MAC that shoots  
19 7.62X54; is that right?  
20 A Yes.  
21 Q There was some discussion in the responses  
22 to our third discovery request about the possibility  
23 of returning the defendant to the claimant for  
24 modification, do you recall that?  
25 A Yes.