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Matthew M. Carmel, President
2A Holdings Inc.

Re: Status of the Palm Pistol® Under the Gun Control Act

Dear Mr. Carmel:

This letter concerns the legal status of the Palm Pistol® under the federal Gun Control Act (GCA). It concludes that the Palm Pistol® is a handgun, firearm, and pistol as defined in the GCA and regulations thereunder, and that it is not subject to the Undetectable Firearms Act.

Status of the Palm Pistol® as a handgun, firearm, and pistol

Under the GCA, “The term ‘handgun’ means – (A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand” 18 U.S.C. § 921(a)(29). “The term ‘firearm’ means (A) any weapon . . . which will . . . expel a projectile by the action of an explosive” § 921(a)(3).

Regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 27 C.F.R. § 478.11 and § 479.11, include the following further definition:

Pistol. 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).

By letter dated June 25, 2008, the Firearms Technology Branch of the ATF determined that the Palm Pistol® is a “pistol” and a “firearm” as defined above:

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.

Since a pistol is a subcategory of a handgun, the Palm Pistol® is also a “handgun.”

The Palm Pistol® is not subject to the Undetectable Firearms Act

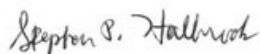
The Undetectable Firearms Act makes it unlawful to manufacture, transfer, receive, or possess a firearm that “after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar” 18 U.S.C. § 922(p)(1)(A). “Security Exemplar” means an object constructed of “3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun” that is suitable for testing and calibrating metal detectors. § 922(p)(2)(C). “Firearm” does not include the frame or receiver thereof. § 922(p)(2)(A).

I am advised that the Palm Pistol® is primarily manufactured from various grades and hardness of carbon steel, including, but not limited to, 4140 and stainless. It weighs almost 16 ounces. As ATF determined, it is, and thus resembles, a pistol and a handgun. It continues to resemble a handgun when the grip panels are removed. (The grip panels would constitute its grips and stocks; it has no magazine.) The Palm Pistol® is thus easily as detectable, and far more so, as the Security Exemplar.

The Act further prohibits a firearm “any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component.” § 922(p)(1)(B). A “major component” means “the barrel, the slide or cylinder, or the frame or receiver of the firearm” § 922(p)(2)(B). The barrel and frame or receiver of the Palm Pistol® are metal and thus would generate an image that accurately depicts its shape in an x-ray machine. (It does not have a slide or cylinder.) Accordingly, the Palm Pistol® is not subject to the provisions of the Undetectable Firearms Act.

Based on the above, the Palm Pistol® may be bought, sold, and possessed according to the same provisions of the Gun Control Act that apply to any other firearm that is a handgun.

Sincerely,



Stephen P. Halbrook