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Re: OVERSIGHT HEARINGS TO CURB THE ABUSES OF THE BUREAU OF
ALCOHOL TOBACCO FIREARMS AND EXPLOSIVES

The Honorable James Sensenbrenner
Chairman, House Judiciary Committee
2449 Rayburn House Office Building
Washington, DC 20515-4905

Dear Representative Sensenbrenner:

I believe you know me, both as your constituent and as the Executive Director of an organization based in your district, Jews for the Preservation of Firearms Ownership.

I am writing to you today solely as your constituent, representing no one but myself and my family. I respectfully request that you call public oversight hearings to expose the criminal, catastrophic, and fundamentally un-American actions of the federal Bureau of Alcohol Tobacco Firearms and Explosives (BATFE).

Although I represent no one but myself in writing this memo, I am aware that there is an upwelling movement within the firearms industry and the gun-owning community (which includes many of your own constituents) to hold such hearings. I have heard that Trent Lott is working to gather hard evidence of BATFE abuses. And I believe that if you choose to convene hearings on the BATFE, the Sensenbrenner Hearings could be a pride of your career and the salvation of one important part of America's liberties.

For decades the actions of the BATFE have ranged from mere incompetence to savage cruelty. Historically and presently, the BATFE is incapable of doing the work lawmakers have assigned to it. This systemic failure is damaging American liberties, American industry, and even ultimately our nation's security. Due solely to the enforcement methods of the BATFE, the U.S. firearms industry is dying,

technical innovation has been forced offshore, and individual gun owners (again, including many of your own constituents) live in a climate of Soviet-style fear and dread.

Below, I have made a partial list of specific harms perpetrated by the BATFE that should be addressed in any investigation or hearings. Damage committed by the BATFE falls into four areas:

1. HARM COMMITTED AGAINST INDIVIDUAL GUN OWNERS
2. DAMAGE DONE TO THE CREDIBILITY OF THE U.S. JUSTICE SYSTEM
3. TECHNICAL AND ECONOMIC HARM INFLICTED UPON THE U.S. FIREARMS INDUSTRY
4. LONG-TERM ADVERSE AFFECTS ON AMERICAN FREEDOM AND SECURITY

Harm committed against individual gun owners

* Historically, some 75 to 80 percent of all BATFE cases have targeted peaceable non-violent citizens, rather than investigation and prosecution of violent criminals. Many of these wronged citizens could be your own constituents.

* Selective enforcement (picking easy targets rather than real wrong-doers) is a BATFE hallmark. This violates both American tradition and American laws ensuring equal protection.

* Although the BATFE is charged with determining whether a given firearm is legal or illegal, the agency has NO forensic laboratory, NO scientists, and uses NO scientific method. As a consequence, it makes – and takes to court -- many erroneous claims.

NOTE: I am sending, along with this memo, a DVD of video footage that shows one typical "investigation" by the BATFE. You will see one of its "experts" trying to send an innocent man to prison for illegally "manufacturing" a machine gun that was actually nothing more than an occasionally malfunctioning semi-automatic rifle. The footage shows the testing of this rifle. Please take just two or three minutes to go to the menu and examine the key moments on this DVD – especially these four places: 1) Where the BATFE agent, Michael Cooney, admits he *never even disassembled the rifle to examine it*; 2) Where Cooney arrogantly dismisses the statement of a genuine expert, Len Savage, that the rifle appears to be malfunctioning; 3) Where Savage disassembles the rifle and finds several old, corroding parts responsible for the malfunction; and 4) Where Savage

actually has to explain the law to the ignorant agent.

* The BATFE instigated the catastrophes that befell the Weaver family at Ruby Ridge in 1992 and the Branch Davidians at Waco in 1993. In the first case, they spent three years on an expensive effort to entrap an innocent, poverty-stricken man. In the other, they chose (apparently for the sake of publicity and funding) to make a full-frontal assault on a building full of women and children instead of using one of several non-violent means open to them. In neither case were BATFE agents held accountable; nor has the agency itself been compelled to undergo major reform to prevent future tragedies.

* As long ago as 1982, a congressional committee recommended severely curbing the BATFE (then the BATF) due to its many abuses. No action was taken – and no reform ever attempted. The agency's abuses have continued unabated for another 23 years!

* Many other reports, before and since the Weaver and Waco tragedies, show the BATFE trashing innocent people's homes, seizing possessions and refusing to return them even when no criminal charges are filed, and in one case ever reportedly deliberately stomping a family's pet kitten to death. Some of these reports are confirmed, others are harder to track down. But one thing is certain: the BATFE has a many-decades long history of brutal contempt for American's rights.

* BATFE agents have harassed booksellers who carry the pro-gun novel *Unintended Consequences* by John Ross, and even approached and attempted to intimidate the author's ex-wife into working with the agency to entrap him – solely because they resented the opinions expressed in his fiction!

* The BATFE has, however, appeared to learn something from its highly publicized and violent failures; its newest tactic is to quietly to break its victims economically – perpetrating what we call an "Economic Waco" by targeting middle- and working-class gun owners who don't have the means to defend themselves against false charges. It could happen to any of us – any of your constituents – any gun owner.

Damage done to the credibility of the U.S. justice system

* BATFE agents have a notorious history of "testilying" or giving biased testimony in federal court – crimes for which BATFE agents are never punished, but which have ruined the family lives, finances, and futures of many innocent gun owners.

* Although BATFE agents utterly lack real technical expertise, they testify in court as firearms experts, deluding judges and juries (who generally have no understanding of what real firearms expertise entails) and putting harmless people into prison.

Technical and economic harm inflicted upon the U.S. firearms industry

* Although the BATFE is charged with classifying firearms, including proposed new designs, no person in the BATFE's technical branch has any experience in manufacturing firearms. Nor do any of the agency's "experts" have engineering degrees.

* Yet these men and women are tasked with giving thumbs up or thumbs down to all new U.S. firearms technology. Setting ignorant bureaucrats or half-trained technicians over an entire industry has been a disaster. It is as if people who barely knew how to use a computer had been given the power to tell innovative companies like Microsoft, Intel, and Sun Microsystems what they are "allowed" to design and manufacture. American firearms innovation has ceased. Today, our military and police are forced to defend the nation with Berettas (Italian-designed), Glocks (Austrian), MP5 machine guns (German) and other firearms designed offshore.

* Worse, anyone in the industry who questions BATFE diktats or seeks to redress a grievance against the BATFE is targeted for revenge. I can personally supply you with the names of people who have been threatened with prison by BATFE agents *simply for objecting to BATFE policies*. In one case, a BATFE agent specifically ordered a gun maker not to contact his congressman about the BATFE again, on pain of being framed and sent to prison.

Long-term adverse affects on American freedom and security

* Because they live in such terror of BATFE revenge, few members of the firearms industry, and for that matter, few individual gun owners, will openly speak against the BATFE. This was the climate Russians lived under for decades during the reign of the KGB. It is the climate East Germans grimly endured under the Stasi. It is the state of mind too many Americans are suffering under the Patriot Act. *It is a mindset and a situation that absolutely does not belong in America.*

* Furthermore, when Americans fear to speak out against injustice, it becomes nearly impossible to redress injustice. The government becomes corrupt – and our lives become worse.

* America was once a country of laws. Under BATFE enforcement, U.S. gun owners live in a country of arbitrary judgments and persecutions. When American gun owners see federal agents going scot free after acts of brutality and perjury, but see their own peers going to prison or being economically destroyed for innocent deeds, they come not only to distrust the BATFE, but the entire federal government. The BATFE has often been described as a rogue agency. But a truly just government would quickly curb – or even disband – a rogue agency. That Congress has so far done nothing to curb the BATFE, even after being made aware of its abuses (and in fact, continues to increase its budget), leads many American gun owners to suspect that the entire federal government must have "gone rogue."

* The BATFE tramples on the Bill of Rights, the bulwark of American liberties. They attack not only the Second Amendment's demand that the right to own and carry arms not be infringed, but they trample Fourth Amendment protections against illegal search and seizure, First Amendment protections of free speech, and other guarantees of liberty. Without liberty, what will the future of America be?

* By shutting down new technology before it develops the BATFE has endangered American jobs, costing companies, individuals, communities, and state and federal taxing authorities potentially billions of dollars.

* By shutting down new technology before it develops, and by crippling the American firearms industry, the BATFE has also endangered America's long-term security. Please consider: If virtually all firearms innovation today is coming out of Europe, not the U.S., with what will U.S. soldiers, police, and citizens defend the country in event of a future war, blockade, or import ban? Yes, some firearms are still manufactured here. But increasingly, the military small arms of the future are not going to be American – unless courageous representatives curb the power of this terrible agency.

Rep. Sensenbrenner, I urge you to take action as soon as possible. Hold public hearings to reveal these and other BATFE abuses. You will be doing your gun-owning, freedom-loving constituents an enormous favor. You will be increasing your own honor and stature. And you will be helping to save your country from a long, slow slide into police-state tactics and mentality.

Thank you for your consideration. I look forward to seeing justice done at last.

Sincerely,

Aaron Zelman