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BOOT THE BATFE?

◎ BY CLAIRE WOLFE

The handheld video footage is crude. No Oscars or Emmys are in the future for the makers of this film. Yet, the video is riveting because of the actions it captures. An “expert” from the Firearms Technical Branch (FTB) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE or ATF) attempts to prove that a legal semiautomatic rifle is an “illegal machine gun” and that its owner should become a federal felon.

The FN-FAL-type rifle generally fires once with each trigger pull. But occasionally, it burst-fires two or three rounds.

A soft-spoken man in a cowboy hat steps up and warns the ATF “expert” that he should stop firing because the gun is obviously malfunctioning and could be dangerous. The agent, Michael Cooney, arrogantly dismisses him. In twelve tries, Cooney manages to produce two short bursts.

Later, the man in the hat disassembles the firearm. In seconds, he finds the broken, rusted spring that’s causing the burst fires. This is no machine gun; it’s a legal semiauto built from aging, and now breaking, parts. The ATF “expert” tries to bluff it out, but he looks like a kid caught with his hand in the cookie jar.

Here’s what makes this video so important: After decades of anguished wails from abused gun owners—after decades of imprisoning harmless Americans for technical violations of federal firearms laws—the first solid evidence has been caught on tape. The ATF is either trying to frame a gun owner or is simply incompetent to judge firearms. Or both.

Agent Cooney and his bosses had brought federal felony charges against the gun owner, John Glover, without even disassembling the firearm to inspect it. The broken gun could have blown apart in the “expert’s” hands—and he was too incompetent to understand his own peril.

A year after I learned to shoot, one of my own firearms went into burst-fire mode. After the second burst, I knew to stop shooting and get the thing to a gunsmith. How is it that the nation’s top firearms “experts” know even less than a rank amateur?

Defenders of the ATF might be tempted to believe that Agent Cooney is just one

bad apple. But this video—and two brave men—opened the door to a long-hidden attic full of ATF secrets. The video was merely the beginning of a series of revelations that haven’t stopped yet, and will never stop until the ATF is forced to halt its notorious abuses and all wrongly convicted gun owners, dealers, and makers are exonerated.

The first result from the video (“BATFE Fails the Test”) was that all charges were dismissed against the innocent owner/maker of the gun.

But thanks to the above-mentioned brave men, more was yet to come. The two men are Len Savage of Historic Arms, LLC and Aaron Zelman of Jews for the Preservation of Firearms Ownership (JPFO).

Len (the man in the cowboy hat) earns his living making semiautomatic reproductions of famous military weapons. He must routinely submit his designs to the ATF’s technical branch for approval. He has also served as an expert witness for the defense in prosecutions (which is how he came to be on that tape).

Len’s activities in exposing the very people who control whether he can earn a living have made him the target of threats and vicious retaliation from ATF agents and management. As I write this, his business is suffering because the FTB refuses to approve any of his designs. The ATF has also, at various times, withheld his submitted samples on the claim that they were “illegal machine guns” (with the implication being that Len might be their next target for prosecution).

None of this has stopped Len from continuing to dig out the truth.

The second brave man, Aaron Zelman, has been instrumental in publishing and publicizing Len’s findings. JPFO released “BATFE Fails the Test” and created a “Boot the BATFE” campaign with ads in *Shotgun News* and the *Washington Times Weekly* to make sure that gun owners continue to put pressure on this historically abusive agency. Larry Pratt of Gun Owners of America has also been very supportive of Len’s efforts, as have Rep. Phil Gingrey (R-GA) and Sen. Saxby Chambliss (R-GA).

Why do I call Aaron brave merely for

publishing facts and a call to action against the BATFE? Because the agency has such a history of vindictiveness that few people in the firearms industry or the gun-rights movement challenge it aggressively. (And that’s a pretty damn sad statement about our country.)

Some of the other revelations that have come out in the wake of the video:

- Len obtained, and JPFO published, a letter from the ATF declaring that if a shoelace had ever been tied to the trigger of a firearm to induce the gun to fire automatically, then that shoelace itself would forever afterward be *an illegal machine gun* under federal law. (JPFO was accused of ridiculing the ATF by making that claim; but in fact, the ATF was the only one being ridiculous.)

- JPFO published a report in which Len showed that the ATF’s firearms testing is not based on scientific methods. For example, to determine whether a semiauto can be “readily restorable” into an illegal machine gun, one agent may give a firearm to a gunsmith for eight hours of specialized work, while another agent spends fifteen minutes fitting the gun with an auto-sear.

- Len revealed that ATF testing sometimes involved attaching an array of foreign objects to guns to make them fire full-auto. The gun might explode during the process, but if it could be made to fire more than one shot on a single trigger pull before blowing up, it would be classified as an “illegal machine gun.”

Revelations like these have produced some hopeful results. For instance, the ATF decreed that it would no longer attempt to force firearms to go full-auto by jury-rigging them with foreign objects.

At Len’s urging, Rep. Gingrey introduced a bill to require the ATF to videotape all firearms tests and make the footage available to parties involved in related legal cases. (Unfortunately a more powerful Republican, House Judiciary Committee Chairman James Sensenbrenner of Wisconsin, made sure that this commonsense legislation stayed bottled up in committee.)

After aroused gun owners contacted their representatives requesting copies of the ATF’s (non-existent) testing standards

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manual, the Congressional Research Service (CRS) issued a report backing Len's findings. The CRS officially informed Congress that the ATF *has* no written testing standards.

The Department of Justice and Attorney General Alberto Gonzalez tried to prevent publication of the CRS report—no doubt fearing that hundreds, maybe thousands, of convictions could be overturned if the facts came out.

By the time this article goes to print, it's possible that Congress will have held hearings on BATFE abuses. But government inertia unfortunately still prevails.

In 1982, Congress examined the brutal enforcement methods of the BATF (as it was then called) and recommended severely curbing the agency's powers. This report is widely available on the Internet. It's a scathing document. And what has been the result? Year after year, under both Democrats and Republicans, the ATF has been given larger budgets and more power.

One of the current proposals is to take firearms classification out of the hands of the BATFE and give it to genuine firearms experts at the Aberdeen Proving Grounds. JPFO (and I) would like to see the BATFE completely abolished. Len Savage believes that it should be replaced by a more competent, rights-respecting agency.

Any real change is problematic.

It took twenty-nine years to abolish the Federal Tea-Tasting Board after Richard Nixon held it up to ridicule as a prime example of government waste. It's obviously going to require continued outrage and effort by millions of American gun owners to ultimately get the BATFE off our backs.

In the meantime we should ask why an agency loathed by many American gun owners—an agency so brutal, and so demonstrably incompetent—should be so politically popular with the men and women who allegedly represent us. ☺

[Author's Note: You can read Len Savage's analysis of FTB methods, the Congressional Research Service's report, and view related documents (including the infamous "shoelace letter") on the Internet at www.jpfo.org/batfearticles.htm. On the JPFO site, you can also purchase DVD or VHS copies of "BATFE Fails the Test," as well as "Boot the BATFE" tee shirts and lapel pins. The author has worked with Len and Aaron to produce some of these materials, but receives no money or any other compensation from sales in the JPFO store.]