

NATIONAL RIFLE ASSOCIATION OF AMERICA  
**INSTITUTE FOR LEGISLATIVE ACTION**  
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FAIRFAX, VIRGINIA 22030



**NRA**

November 20, 2006

Donald [REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mr. [REDACTED]

Thank you for your recent letter to NRA President Sandra Froman. Unfortunately, Ms. Froman is unable to respond to your concerns personally, but she has asked me to respond on her behalf and to let you know that she is always interested in hearing what our members have to say.

As a matter of official policy, NRA does not call for the BATF to be abolished. In fact, the Association does not object to many of the federal laws against violent criminal behavior committed with firearms that BATF is charged with enforcing. Since we support certain federal laws relative to firearms, it only stands to reason that we would not promote abolishing the federal agency tasked with enforcing those laws.

Furthermore, it has long been NRA's position that a greater emphasis should be placed on enforcing existing laws that target violent gun crimes. In fact, NRA spent much of the eight years under Bill Clinton admonishing his Department of Justice for its failure to aggressively prosecute violent criminals who are caught violating federal gun laws. As part of that campaign, NRA began promoting the "Project Exile" prosecution model. In case you were not already aware, Project Exile is a cooperative effort between federal, state, and local law enforcement and prosecutors that calls for the full prosecution of violent gun crimes.

It only stands to reason that if NRA is going to promote an increase in the enforcement of the laws that target violent gun crimes, especially through programs such as Project Exile, the BATF will require additional funds to increase its enforcement of violations of those laws at the federal level. However, we also acknowledge the fact that there are still many concerns regarding BATF activities, so while Congress worked on appropriations for BATF for fiscal year 2002, NRA lobbyists worked to ensure that any increase in funds was specifically earmarked for programs that are designed to address violent gun crimes. Thus, NRA did not object to the increase in funding to BATF for fiscal year 2002, but did work to ensure that the funds were appropriately targeted.

Of course, NRA has a long history of exposing problems with BATF, and you can be sure that we are very sympathetic to your concerns regarding that agency. NRA's history of questioning BATF activities even predates the Bureau itself. It started with our coverage of the 1971 shooting of Kenyon Ballew by investigators with the Alcohol, Tobacco and Firearms Division, which became the BATF a year later. More recently, NRA was the driving force behind congressional hearings that exposed the countless bungles and outrageous decisions by federal agents, including BATF agents, that led to the

tragedies at Ruby Ridge and Waco. And while NRA did consider calling for Congress to de-fund this agency in the 1980s, we decided it would be better to work to correct the problems within the Bureau itself, and that policy remains in place.

Ultimately, dissolving BATF will not eliminate the problem of overzealous enforcement of current federal gun laws. The enforcement duties will merely move to another federal agency, leaving the door for abuse by anti-gun bureaucrats wide open. Therefore, NRA must remain focused on working within the existing federal paradigm for addressing grievances when instances of overzealous enforcement of federal gun laws takes place; working through the legislative/appropriations process to ensure monies intended for BATF are specifically tagged to be used for legitimate, crime fighting programs that rightly fall within the Bureau's intended scope; working to remove any Clinton-era policies or bureaucrats that remain embedded within the Bureau; and repealing those federal firearm laws NRA feels are unconstitutional. While this may not be a "perfect" formula with guarantees of success, it does conform to the current system of government under which we all operate, and it is our opinion that it is the best chance we have to ensure the concerns of law-abiding gun owners are protected.

As for your suggestion that we work to repeal the machine gun ban of 1986, unfortunately, that is not likely to be in the cards in the near future. The NRA's Firearms Civil Rights Legal Defense Fund asked the Supreme Court to review the case of Farmer vs. Higgins. This was a case questioning the BATF's interpretation of the Hughes Amendment banning machine guns manufactured after May 19, 1986 and the constitutionality of the ban. Unfortunately, the Supreme Court declined to review the case, as it does the vast majority of cases. Currently, the NRA-ILA has legislation that is much more viable and that we are working on before the 109<sup>th</sup> Congress adjourns. H.R. 5005 would modify the 1986 ban, but would not repeal it. When the new congress comes in, we won't have votes to repeal and will be in much more defensive posture in case antis start pushing for more gun laws.

The NRA has been working to make improvements in the National Firearms Act provisions as well. We are attempting to pass H.R. 2088 the "Veteran Heritage Firearms Act". This bill would provide a 90-day amnesty period during which veterans and their family members could register firearms acquired overseas between June 26, 1934 and Oct. 31, 1968, without fear of prosecution. Also, there have been allegations for at least a decade that BATF's registry of NFA firearms is incomplete and inaccurate. This results in people forfeiting firearms to the government that they should be able to own lawfully. We've worked with the Congress to investigate these allegations and to appropriate funds to correct deficiencies in the system. Since the NFA is part of the Internal Revenue Code, it falls under the jurisdiction of the House Ways and Means Committee. Unfortunately, the incoming chairman is F-rated Charlie Rangel. As far as filing multiple lawsuits to attempt to get the Supreme Court to overturn the National Firearms Act, that is really not a feasible solution for a variety of reasons. There is a lack of precedent and there is no guarantee of results because of the court makeup. Also, we do not have a case that is appropriate to the task. Filing multiple lawsuits is not only expensive, but while it does not always seem like, attorneys are under various legal and ethical requirements not to file frivolous cases. Let me assure you the NRA will continue to do everything in its power to protect the Second Amendment and improve our gun laws.

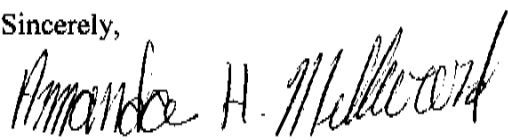
Please allow me to take this opportunity to thank you for your support. Because of people like you we are heartened in our efforts to preserve and protect the right of all law-abiding citizens to keep and bear arms. You have stood by us when we needed your support and we are extremely grateful to you for your work on behalf of NRA-ILA. You are a true friend of the American

gun owner and we take pride in knowing that.

As for your concerns about the reciprocity agreements between states and the National Firearms Act, I will forward them to the appropriate division for further review.

Once again, thank you for your comments. If you need any additional information regarding our legislative efforts, please do not hesitate to contact me at the above address or at (800) 392-8683.

Sincerely,

A handwritten signature in black ink that reads "Amanda H. Millward". The signature is written in a cursive style with a large, looped 'M'.

Amanda H. Millward  
NRA-ILA Grassroots Division

JPFO RESPONSE FOLLOWS BELOW.

You can download this letter and our  
response at [www.jpfo.org/nraletter.pdf](http://www.jpfo.org/nraletter.pdf)

## JPFO RESPONSE TO THE NRA POSITION ON BATFE

Questions to ask:

1. According to the Letter, NRA supports “certain federal laws relative to firearms.” What part of the Second Amendment’s declaration, that that “the right of the people to keep and bear arms shall not be infringed,” gives the federal government the power to enact laws “relative to firearms”?

BEST ANSWER: The Second Amendment prohibits federal legislation that infringes the right to keep and bear arms.

2. According to the Letter, NRA “does not object to many of the federal laws against violent criminal behavior committed with firearms.” What efforts has NRA made to repeal federal laws regulating ownership and possession of firearms where violence is not an issue?

BEST ANSWER: All pro-rights organizations should work toward repeal of federal laws that infringe the right to keep and bear arms. Laws prohibiting violent criminal behavior already exist on the books in every State and territory. NRA needs to work toward repeal of federal laws regulating ownership and possession of firearms.

3. According to the Letter, NRA supports the existence of the BATFE. Under what provision of the U.S. Constitution is the federal government empowered to create a federal agency to regulate firearms, given that the Second Amendment declares “the right of the people to keep and bear arms shall not be infringed”?

BEST ANSWER: Article I of the Constitution empowers Congress to regulate interstate commerce. To an ordinary understanding, firearms ownership, possession and peaceful or defensive use of firearms do not amount to “interstate commerce.” To the extent that Congress and the courts have expanded the scope of “interstate commerce” to include personal firearms ownership and use, they have exceeded the meaning of the Constitution. Regardless of the interstate commerce issue, the Second Amendment expressly prohibits federal legislation that infringes the right to keep and bear arms.

4. According to the Letter, NRA claims to have been the “driving force behind congressional hearings” to expose the “countless bungles and outrageous decisions by federal agents, including BATF agents, that led to the tragedies at Ruby Ridge and Waco.”
  - (a) Can NRA name any BATF agents who were terminated for their misconduct as exposed in those hearings?

CORRECT ANSWER: None known.

- (b) Can NRA identify any congressional action against BATF that would prevent recurrences of the tragedies at Ruby Ridge or Waco?

CORRECT ANSWER: None known.

- (c) If NRA cannot identify substantial congressional action against BATF for its “bungles and outrageous decisions,” then does NRA admit failing at its stated goal to “correct the problems within the Bureau itself”?

BEST ANSWER: We have learned from hard experience that BATF cannot be corrected from within the Bureau itself. It needs to be abolished.

5. According to the Letter, “NRA did consider calling for Congress to de-fund this agency in the 1980s.”

- (a) If NRA knew BATF was problematic in the 1980s, and if NRA thought it was possible to defund it, and if NRA actually opposed gun control, then why would NRA choose instead to favor retaining the federal gun control agency?

BEST ANSWER: It was a mistake to surrender the issue of an unconstitutional agency enforcing unconstitutional laws.

- (b) When NRA discovered even more BATF abuses in the 1990s than previously known, why didn't the NRA press for de-funding BATF when the Republicans controlled the House, Senate and White House in the 2000s?

BEST ANSWER: It was a mistake to fail to press the advantage and abolish the BATF.

6. According to the Letter, NRA believes “dissolving the BATF will not eliminate the problem of overzealous enforcement of current federal gun laws.”

- (a) Wouldn't the abolition of the BATF constitute a major rebuke of federal gun control? Wouldn't such a rebuke encourage NRA members and other gun owners to rally and increase pressure to abolish unconstitutional federal firearms laws?

BEST ANSWER: Yes, abolishing the BATF would be an actual victory for gun owners, instead of just obtaining the “better of two evils” that too often occurs.

- (b) Wouldn't the abolition of the BATF send a message to elected officials and judges that the American people will not tolerate an agency that abuses the citizens and denies them their Second Amendment rights?

BEST ANSWER: Yes, abolishing the BATF would show that the American people still have some impact on what really goes on in Washington, D.C.

- (c) Why doesn't NRA publicize the instances of BATFE's "overzealous enforcement" in its publications?

BEST ANSWER: NRA has sometimes addressed BATFE overzealous enforcement in our publications, but have fallen short of making it a major priority.

7. According to the Letter, NRA favors Congress giving BATFE "additional funds to increase its enforcement of violations of [violent gun crime] laws at the federal level."

- (a) What are some examples of violent crimes that can only be detected and prosecuted by federal government agents, and cannot be detected and prosecuted by state or local police forces?

BEST ANSWER: The only reason that state agencies in the various states do not take the lead on interstate crimes is that there are federal agencies with the revenue and manpower to do it. There is nothing special about federal agencies when it comes to detecting and prosecuting violent crimes.

- (b) What actual violent crimes can only be investigated by BATFE, and cannot be investigated by the FBI?

BEST ANSWER: None. The FBI could investigate the currently existing federal violent crimes as well as any other federal agency, and it could enforce the various tax laws for alcohol and tobacco. For that matter, state police agencies could perform all of these functions.

8. According to the Letter, NRA has been attempting to pass the "Veteran Heritage Firearms Act," under which veterans and their families "could register firearms acquired overseas" between 1934 and 1968.

- (a) Why is NRA attempting to pass a law to give special privileges to certain groups of people to escape the operation of federal registration laws?

BEST ANSWER: It's a mistake to lobby for special privileges for a small group of gun owners, when all Americans' gun rights at risk.

- (b) Why is NRA conceding that federal registration laws are acceptable, so long as NRA can acquire exemptions for special groups of people?

BEST ANSWER: NRA should not concede that any federal registration laws are acceptable.

- (c) Why should American gun owners be pleased with NRA's work on this proposed Act to help a tiny minority, when NRA has achieved no roll-backs of federal firearms registration and prohibition laws under six years of a Republican-controlled federal government?

BEST ANSWER: NRA needs to restructure its priorities so that its lobbying efforts and political activism go toward repealing federal firearms registration and prohibition laws. NRA can rally its supporters to actually do something to take the power back from the unelected BATFE and abolish that unconstitutional agency.

JPFO invites concerned firearms owners to visit our website at [www.jpfo.org](http://www.jpfo.org) to look at our organization's efforts to ABOLISH the BATFE and end federal control and regulation of your guns.

- Our "Boot the BATFE" campaign: [www.jpfo.org/bootbatfe.htm](http://www.jpfo.org/bootbatfe.htm)
- Our documentary-in-progress exposing the criminality of BATFE: [www.jpfo.org/thegang.htm](http://www.jpfo.org/thegang.htm)