

Mr. Carl J. Truscott  
Director:  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
650 Massachusetts Avenue, NW  
Washington, DC 20226

July 11, 2005

Dear Director Truscott:

I am writing you because a serious problem that I have repeatedly tried to resolve with staff of the ATF's Firearms Technology Branch (FTB), without a resolution in sight since July 7, 2003, isn't likely to be resolved without action by you. As a responsible member of the firearms industry, and a federally licensed firearms manufacturer, I correspond with FTB staff on a regular basis. On June 27, 2005 I was alarmed to learn the actual reason why my problem isn't likely to be resolved and a bureaucratic standoff between the FTB staff and myself is likely to continue.

Consequently, I believe I have no option other than to notify you of this situation, the facts of the matter, and courteously request your immediate assistance. I would also like to report to you that I have been threatened directly and indirectly by ATF employees in apparent retaliation for expressing my opinions about how the ATF conducts its public business.

The serious problem is that FTB has no written or documented standard testing procedure or protocol for evaluating submitted firearms. These are firearms created by inventors such as myself, which ATF evaluates to make sure they are legal (for example, that the firearms cannot be converted to illegal machineguns, or "readily restorable"). The lack of a documented standard testing procedure or protocol was personally confirmed to me by Director John Spurgeon, and FTB assistant Chief Rick Vasquez. Assistant Chief Vasquez informed me that a testing protocol "is only developed upon receipt of the firearm to be classified, and is done on a case by case basis. His stated reason is that "it would be logistically impossible to have a written protocol". I was shocked to learn the ATF's foremost firearms testing laboratory is operating with no written testing procedure, protocol, or criteria. The admissions by Director Spurgeon and Assistant Chief Vasquez that they are "making it up as they go along" is professionally and scientifically unconscionable. Unfortunately, this does logically explain some of the contradictory "ATF Letter Rulings" documents that have been recently made public.

As a distinguished member of the federal law enforcement community, I'm sure you

must have not been aware of the lack of a documented standard testing procedure or protocol within FTB. I am including with this letter a DVD copy of the video evidence that was gathered during the case [United States vs. John William Glover (3:03CR69-North Carolina)]. The footage shows ATF employee Michael J. Cooney admitting that he didn't even disassemble the firearm he evaluated and determined was a machinegun. I am also curious why an agent assigned to Imports Branch was requested to conduct a scientific examination on a firearm that ATF incorrectly alleged to be a machinegun. Mr. Cooney's "mistake" almost caused an innocent U.S. Citizen to be imprisoned for a period of 10 years.

I have personally been present, as an expert witness, in testing the firearms in [United States vs. Ernest Wrenn (1:04-45, South Carolina)]. Assistant Chief Vasquez was never able to duplicate his results stated in his report (nor was I able to do so). His report led to the indictment of Mr. Wrenn. There is video of the second testing attempt in the possession of the U.S. Attorney.

I am enclosing a copy of the article I wrote about the FTB's lack of a written firearms testing protocol or procedure, that I have posted on the Internet web site (see <http://www.jpfo.org>) or (see <http://www.jpfo.org/alert20050701a.htm>). The article is entitled "Why the ATF's Firearm Testing Procedures are Scientifically Invalid", and contains all the supporting documentation.

Director Trucott, I would like to respectfully suggest that you consider doing the following as a means of resolving this situation. Specifically, would you and the top executives and managers at ATF be willing to:

- 1) Sit down and meet with one or more of the industry trade organization, and agree on a plan for writing a manual of standard testing protocols for FTB? This would allow the ATF, the industry, as well as citizens to all be "on the same page" when it comes to what is expected in complying with the National Firearms Act (NFA), as well as the Gun Control Act (GCA) of 1968.
- 2) Form an "Industry Oversight Committee" to prevent any further appearance of institutional bias by ATF when dealing with contradictory and/or legally incorrect "ATF Letter Rulings" that FTB has issued, that have resulted from scientifically flawed testing procedures? Creating such a committee would provide a way to redress flawed firearms evaluations. (Currently there is no means of redress other than a civil lawsuit).
- 3) Adopt H.R. 1603, which would require the ATF to videotape all testing of firearms and ammunition, as its standard operating policy? (I have also enclosed a copy of H.R. 1603 for your reference). Even the most rural police departments routinely utilize video documentation in patrol cars, and during interviews, as well as in documenting crime scenes. As a career federal law enforcement executive, I believe you can recognize all of the benefits, with such little cost involved. This would also insulate the ATF from any appearance of institutional bias, as well as insure basic

fairness.

The last matter I must raise with you regards the direct and indirect threats made to me by ATF staff since July 2003. I would like your personal guarantee that ATF will not “take me out” or “put me in prison for 30 years, for irritating the ATF”, as FTB Chief Sterling T. Nixon personally told me in anger that he can and would do. While I filed a timely written complaint about Chief Nixon’s conduct, I cannot help but think he could illegally allege that I have broken the law in some way in another moment of anger, and subject me to unwarranted legal actions or, possibly, death or great physical harm.

There have also been attempts to intimidate me by Special Agent Lee Baldwin as well, although Agent Baldwin kept his threats thinly veiled; nevertheless, I regard such veiled threats as unacceptable professional behavior by a federal law enforcement agent, and as disturbing of my peace of mind.

Director John Spurgeon recently told me that “you have acted in a threatening manner to ATF, by posting your opinions on various web sites. All responses will now be delayed, as I and General Counsel must review all correspondence before it can be sent to you.” I have reasonably interpreted Director Spurgeons statements as implying that by seeking public redress to legitimate grievances about ATF’s public conduct of its public business, I will be made to suffer an unreasonable time penalty, at the least. I have posted my opinions on various Internet websites, which reflect both praise and appropriate criticisms of ATF’s policies and practices, and for Director Spurgeon to characterize this legitimate activity (which is engaged in by literally thousands of other people whom ATF has not threatened) is in my judgment, unacceptable professional conduct that should not reflect the official policy of the ATF.

Director Truscott, I would not write to you about frustrations of encountering ordinary bureaucratic delays that is part of modern life and we all have to live with that. No, I am writing you because (1) several ATF employees have directly threatened me without any legal basis for doing so, and (2) the fact that FTB has no written or documented standard testing procedure or protocol for evaluating submitted firearms, makes it extremely unlikely that problem can be resolved without decisive personal action by you.

If you have any questions about anything I have discussed in this letter, please contact me. I would also welcome the opportunity to meet with you personally to discuss this situation.

Sincerely,

Lennis F. Savage III

President,

Historic Arms LLC