



Violence Policy Center

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GUNS FOR FELONS

How the NRA Works to Rearm Criminals

"Enforcement"—The NRA Way



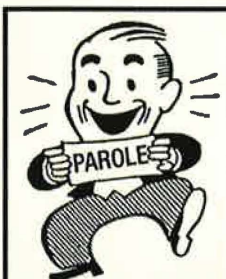
Commit a crime ➡



Get convicted ➡



Go to Jail ➡



Get "relief" ➡



Get a gun

GUNS FOR FELONS:

Brought to you by the NRA

March 2000

The Violence Policy Center is a national non-profit educational organization that conducts research and public education on firearms violence and provides information and analysis to policymakers, journalists, grassroots advocates, and the general public. The Center examines the role of firearms in America, analyzes trends and patterns in firearms violence, and works to develop policies to reduce gun-related death and injury.

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- *Kids Shooting Kids: Stories From Across the Nation of Unintentional Shootings Among Children and Youth* (March 1997)

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Introduction

The National Rifle Association (NRA) claims that it supports vigorous enforcement of our nation's gun laws and efforts to keep guns out of the hands of criminals. Yet the NRA has actually worked to put guns back into criminals' hands. Following is the saga of the federal "relief from disability" program. The NRA has worked to expand and protect this guns-for-felons program that has rearmed thousands of convicted—and often violent—felons.

Creation of the "Relief" Program

Under federal law, those convicted of a felony are forbidden from purchasing or possessing firearms and explosives. Yet as the result of a 1965 amendment to the Federal Firearms Act of 1938, convicted felons were allowed to apply to the Bureau of Alcohol, Tobacco and Firearms (ATF) for "relief" from the "disability" of not being able to buy and possess guns. The "relief from disability" program was established as a favor to firearms manufacturer Winchester, then a division of Olin Mathieson Corporation.¹ In 1962 Olin Mathieson pleaded guilty to felony counts stemming from a kickback scheme involving Vietnamese and Cambodian pharmaceutical importers. Under the law as it existed at the time, Winchester could no longer be licensed as a firearms manufacturer. The "relief from disability" program allowed Winchester to stay in business.

"Relief" Program Becomes Felons' Second-Chance Club

Although created to benefit one corporation, the program quickly became a mechanism by which thousands of individuals with felony convictions had their gun privileges restored. In the 10-year period from 1982 until 1992, the Bureau of Alcohol, Tobacco and Firearms processed more than 22,000 applications. Between 1985 and 1990 ATF granted "relief" in approximately one third of those cases. (ATF estimated that approximately one third of those not granted "relief" chose to drop out of the process, while the remaining one third were denied "relief.")

The crimes committed by those individuals granted "relief" were not limited to non-violent, "white collar" crimes like those committed by Olin. Through the Freedom of Information Act (FOIA) the Violence Policy Center obtained 100 randomly selected files of felons granted "relief." Among those 100 cases were: five convictions for felony sexual assault; 11 burglary convictions; 13 convictions for distribution of narcotics; and, four homicide convictions. In fact, *of the 100 sample cases, one third involved either violent crimes (16 percent) or drug-related crimes (17 percent).* [Please see Appendix I for a chart of offenses.]

¹

The "relief from disability" program is codified at 18 USC 925 (c).

***Examples of Felons Granted "Relief From Disability"*²**

- Transferring Explosives to International Terrorists

In February 1981 Jerome Sanford Brower pleaded guilty in federal court to charges of conspiracy to transport explosives in foreign commerce with intent to use them unlawfully, in violation of the Arms Export Control Act. Brower was part of an international terrorist plot masterminded by former CIA agents Edwin Wilson and Francis Terpil. In 1976, Brower, a federally licensed explosives dealer, met with Wilson and Terpil and agreed to supply explosives for an unspecified "operation" in Libya. After meetings with Libyan officials, Terpil drafted a "secret proposal" outlining a six-month terrorist training program to be conducted for the Libyans. Brower transported explosives to Libya and instructed the Libyans in defusing the explosive devices. Brower eventually pleaded guilty. He received a four-month prison sentence and was fined \$5,000. He received "relief" four years later.

- Aggravated Assault and Aggravated Robbery

Jon Wayne Young pleaded guilty to aggravated assault and aggravated robbery in Minnesota in 1976. Young had a history of sex-related offenses dating back to the age of 13. At Young's sentencing the judge stated: "You placed another person's life in jeopardy, in danger, and that person could have been killed by you...[Y]ou don't have enough control of your own actions to prevent that sort of thing. It is lucky, fortunate, that the girl wasn't killed, and the reason probably that she wasn't killed is that she submitted to you but had she fought you undoubtedly she might have been killed, probably would have been killed." In analyzing Young, a doctor had written, "I was struck by the number of times therapy had been terminated with the feeling that he was unlikely to get into trouble again only to have him return once more. At this point I believe that the best predictor of Mr. Young's future behavior is his past behavior...." Young received "relief" in 1989.

- Sexual Assault-Aggravated Rape

Applicant stated that the conviction stemmed from his involvement with a former girlfriend he had been living with and subsequently was separated from. During the separation the woman telephoned him and he drove to her residence as a result of the phone call. Applicant said that he mistook her behavior as encouragement and that he had sexual intercourse with the woman. Applicant said that during their previous relationship he and the woman were into bondage

² For more examples of felons granted "relief" see Appendix II.

and that he employed this technique during this encounter. Applicant used tape to bind her wrists and legs. Upon conclusion, the woman notified authorities and the applicant was subsequently arrested and charged with two counts of aggravated rape. He stated that one count pertained to sexual intercourse and the second account pertained to oral sex. Applicant was found guilty after a jury trial and sentenced to three years on each count to be served concurrently. He spent a short time in state prison and the balance (approximately one and a half years) at a state honor camp. The applicant's only previous arrest was for driving while intoxicated. During the interview process, one of the applicant's probation officers described him as "scary" adding that "this was just a feeling he had regarding the applicant." He stated that "he just didn't trust the guy" and that the applicant had "never admitted to the sex offense and never admitted to an alcohol problem." The officer recommended against granting "relief." The sheriff who investigated the crime recommended "relief," stating that the applicant "had carried things too far in an attempt to renew the relationship." In recommending "relief," the ATF special agent noted that "although the applicant's conviction...is a crime of violence, no use of a weapon was involved in this incident. According to the applicant, the sexual behavior involved in this incident was similar to previously acceptable behavior. There is no question that the applicant is guilty of this crime however, based upon this investigation, the applicant is not a violent person."

NRA Expands the Program to Include Gun Criminals

For 20 years, however, felons convicted of crimes "involving the use of a firearm or other weapon" or of violations of federal firearm laws were ineligible to apply for "relief." This changed in 1986 when a law backed by the National Rifle Association took effect. The Firearm Owners' Protection Act (also known as FOPA or McClure/Volkmer for the bills' Senate and House sponsors) expanded the program to allow felons convicted of gun crimes to obtain "relief."³ And gun criminals certainly took advantage of the program. *Of the 100 sample cases obtained by the Violence Policy Center, eight were for firearm violations, including two convictions for illegal sales of machine guns.*

³ FOPA also allowed mental patients who had been involuntarily committed, those dishonorably discharged from the armed services, and fugitives to apply for "relief."

Examples of Felons Granted "Relief" in 1989 for Convictions That Included the Use of Firearms or Violations of Gun Laws

- Firearms Violation—Illegal Sale of an NFA Weapon, Machine Gun

Sherman Dale Williams pleaded guilty to two counts of illegal transfer of machine guns and was sentenced to three years probation. Williams was a gun collector who stated he had four machine guns, two of which were registered as required by law, and two of which were not. Williams eventually sold the guns to undercover ATF agents for \$500. A federal search warrant was served and three more unregistered machine guns and five improvised destructive devices were recovered from his home. In interviews with his neighbors, one, who had known Williams for 15 years, said that he was "the type of neighbor that always wants to keep to himself" and that he was unsure whether the applicant would be a threat to the community if he were able to possess a firearm. He described Williams as kind of strange acting, but was unable to say exactly why. Another neighbor, who had known Williams for 12 years, stated that he did not like the applicant and that he had a reputation as a crook. The neighbor added that it would not surprise him if he already had guns. One female neighbor who had known Williams for 14 years stated that he was a "recluse" type who kept to himself. Stating that she was unable to comment further she added "that she preferred...if he were allowed to own firearms, [that the applicant] did it somewhere else and not in her neighborhood." The ATF investigator noted, "She was unable to express why she felt this way." The investigation also revealed that in 1977 Williams had possessed and sold a .22 pistol to an undercover ATF agent in the presence of an informant. The U.S. Attorney's office declined to prosecute. When reminded of this incident Williams explained that he had acted as the middleman in the transaction and had never actually touched the firearm. The agent to whom the handgun had been sold stated that Williams did handle the weapon and took an active part in the transaction. Local law enforcement personnel, including the chief, three detectives, and a detective sergeant felt that if Williams were granted "relief" he would be a threat to the community. The officers, however, had no documentation (police reports, police contacts, or intelligence information sheets) to substantiate their fears. In his recommendation the investigating agent noted, "During this investigation, the law enforcement community and a few neighbors expressed great concern [regarding Williams'] being granted `relief,' however, no documentable reasons for denying him his `relief' were produced. Because of this lack of documentation, I have no choice but to recommend that [he be] granted `relief.'"

- Homicide–Manslaughter Involving a Firearm

Applicant entered a plea of guilty to one count of voluntary manslaughter. Applicant had killed his cousin with a 16-gauge shotgun. He and his cousin had both been intoxicated at the time. Applicant stated that his cousin had beaten him severely and had threatened to kill him prior to the shooting. Applicant served approximately 24 months and was granted parole on November 11, 1976.

- Brandishing a Firearm

In 1975 applicant pleaded guilty to burglary. The applicant and a juvenile had been arrested after they broke into a mining company garage and attempted to take tools valued at approximately \$3,000. In a pre-investigation interview with an ATF agent, applicant admitted that he had failed to list two other convictions on his application, one for burglary and the other for brandishing a firearm. Both had occurred in approximately 1980. The applicant stated that he hadn't listed additional convictions because he couldn't remember the exact dates. The applicant stated with regard to brandishing a firearm charge, he had come home drunk one night and got into an argument with his now ex-wife and her sister. He then went to the closet, took out an unloaded gun and asked his sister-in-law to leave his house. In his recommendation, the investigating agent stated that although "relief" was endorsed by the applicant's neighbors, co-workers, and references, "the fact that the applicant was not truthful in completing his application by withholding past convictions [and] is a recidivist, one conviction was for brandishing a firearm, and the date of his last conviction has been less than ten years, it is felt a denial of this application would be appropriate." Following a letter from the applicant after denial, the decision was apparently reversed. A 1989 letter from ATF stated that, "After careful review of our investigative report and other pertinent documents concerning your application, we have decided to grant your application for restoration."

- Drugs-Possession (Heroin, Dolophine)

Applicant had been a compulsive gambler and drug addict for 20 years. Applicant had been indicted for possession of approximately two ounces of heroin, 10 dolophine tablets, and possession of a flare pistol modified to shoot 12-gauge shotgun shells. He was ordered into the custody of the attorney general as a drug addict for a treatment period not to exceed 10 years. Applicant had sold heroin to support his habit and "had sold to the wrong person and got busted." Previous arrests included gambling

(shooting dice), carrying a deadly weapon (a gun), and grand larceny. The larceny and weapon charges stemmed from the applicant being stopped by police, a gun and stolen clothing were found in his car. Applicant had also been court martialed, imprisoned for four months, and received a bad conduct discharge from the armed forces after going AWOL. Applicant sought "relief" to go hunting.

Taxpayers Foot the Bill to Rearm Felons

Running the "relief from disability" program cost taxpayers in excess of \$21 million between 1985 and 1991, requiring the manpower of roughly 40 full-time staffers.

"Relief From Disability" Program Budget 1985-1991

Fiscal Year	Full-Time Employees	Cost
1985	43	\$2,751,000
1986	41	\$2,516,000
1987	35	\$2,575,000
1988	43	\$3,065,000
1989	43	\$3,094,000
1990	46	\$3,470,000
1991	n/a	\$4,270,000
Total	n/a	\$21,741,000

Source: ATF Public Affairs Office

Felons Granted "Relief" Commit New Crimes

The costs associated with the "relief" process were generated partly from a background investigation including interviews with employers and neighbors. This process, however, failed to weed out all of the applicants prone to future criminal conduct. The VPC found that of those granted "relief" from 1985 to 1992, *69 were subsequently rearrested* for crimes that included: attempted murder; first degree sexual assault; abduction/kidnapping; child molestation; illegal possession of a machine gun; trafficking in cocaine, LSD, and PCP; and, illegal firearms possession or carrying.

Examples of Felons Granted "Relief" Who Were Subsequently Rearrested

- Thomas E. Fleming of Kentucky was convicted of trafficking in a controlled substance in 1973. He was granted "relief" in 1985. Two years later he was arrested for trafficking in cocaine, with the disposition unknown. In 1988, he was arrested again, this time for the possession and sale of an illegal machine gun, a 924(c) [firearms] violation. He received 10 years for the firearms violation.
- Alan Matthew Dobbins of Texas was convicted of burglary in 1975 and was granted "relief" in 1985. In December 1986 he was arrested for driving under the influence and sentenced to 18 months probation. In April 1987 he was arrested for driving while intoxicated, which was dismissed. In July 1987 he was arrested for injury to a child and received one year probation.
- Randy Winston Mock of Florida was convicted of grand larceny in 1974. He was granted "relief" in May 1985. He was arrested in June 1985 for the sale of LSD and sentenced to five years in prison.
- Theodore Marko of South Carolina was arrested and convicted of housebreaking and larceny in 1976. He was granted "relief" July 21, 1986. On July 24, 1986—three days later—he was arrested for auto breaking (five counts), grand larceny, and fraudulent checks. The disposition of these charges is unknown.
- Charles Wellons of North Carolina was arrested in 1976 for the possession of marijuana. He was granted "relief" in 1986. He was arrested in 1987 for possession of cocaine, which was dismissed. He was arrested again in 1987 for possession with the intent to distribute cocaine and given a 15-year sentence which was suspended, and he was ultimately given five years probation for that charge. He was also charged with transportation of cocaine and possession of prescription drugs, and was given a one year suspended sentence for each of these charges.
- Lewis John Towe of Virginia was arrested in 1980 for larceny. He was granted "relief" in 1986. In 1987 he was arrested for bad check (felony), no disposition listed. In 1990 he was arrested again for two counts of destroying personal property, no disposition listed. He was arrested again in 1990 for two counts of attempted murder. The charges were dismissed.

- John William Connolly of Michigan was arrested for attempted felony theft of a motor vehicle in 1977. He was granted "relief" in 1987. One year later he was arrested for conspiracy to export cocaine and exportation of cocaine. The disposition of these crimes is unknown. In 1989, he was again arrested, this time for felony malicious destruction of property, no disposition listed.

"Relief" Program De-Funded

In 1992, after the Violence Policy Center publicized the details of the program, Congress added language to ATF's annual appropriations bill prohibiting the agency from using federal funds to review "relief" applications from felons (such spending prohibitions must be renewed every year). The NRA opposed efforts to close down the program, testifying before Congress in support of it and defending the program in the press. "There is no reason why a person who has demonstrated they are now a good citizen should be deprived of their right to own a firearm....We ought to recognize that some people can change," the NRA told the *Washington Post* in 1991. The congressional funding bar, however, is far from the end of the story of the "relief from disability" program. The gun lobby has made several attempts, and resorted to outrageous means to revive this guns-for-felons program.

Republicans and NRA Try to Revive "Relief" Program

The funding ban was renewed each year until 1995 when Republicans on the subcommittee overseeing ATF's budget voted to lift the spending ban. The Republicans put forward a plan that would have charged applicants a fee—with the National Rifle Association championing Republican efforts. The NRA's usual tough-on-crime rhetoric softened substantially when talking about felons eligible to apply to the "relief" program. "We're talking about individuals who may have run afoul of federal law but paid their debt to society," the NRA's spokesman stated to the *Washington Post* in 1995. The Republicans backed down when the proposal was heavily criticized by law enforcement organizations, gun control advocates, and congressional Democrats.

NRA Launches Second Attempt to Resuscitate "Relief" Program

In 1996, there was yet another attempt by the NRA to revive the "relief" program, this time for "non-violent" felons. This effort was undertaken despite plentiful examples of felons who had been granted "relief" for non-violent felonies who then went on to be rearrested and convicted of violent crimes.

Examples of Felons Granted "Relief" for Non-Violent, Non-Firearm, or Non-Drug Related Crimes Subsequently Rearrested for Crimes of Violence, Firearm-Related Crimes, or Drug-Related Crimes

- Michael Paul Dahnert of Wisconsin was convicted in 1977 of burglary. He was granted "relief" in 1986. Two months after "relief" was granted, he was rearrested and charged with first degree sexual assault and four counts of second degree sexual assault. Dahnert received five years in prison.
- Michael Owen Tuttle of Washington was convicted of delivery of a controlled substance in 1980. He was granted "relief" in 1986. In 1989 he was arrested for child molestation. The disposition of the charge is unknown.
- Jimmy James Everhart of Illinois was convicted in 1980 of making false statements to a bank. He was granted "relief" in 1986. He was rearrested in 1989 for aggravated assault and unlawful use of a weapon. The disposition of those charges is unknown.
- Cosimo D'Aloia of Pennsylvania was convicted of burglary, criminal conspiracy, and theft in 1981. He was granted "relief" in 1987. In 1988, he was arrested for criminal attempted rape, indecent assault, false imprisonment, and harassment. He was found guilty of indecent assault and sentenced to two years probation.
- Frank Earnest Foster was convicted in 1982 for his third offense of driving while intoxicated. He was granted "relief" in 1987. Later that year he was arrested for first degree sexual assault for which he was sentenced to three to nine years confinement. The sentence was reduced to two years probation.
- James Morgan was convicted of perjury to a grand jury in 1977. He was granted "relief" in April 1988. He was arrested in 1988 for first degree wanton endangerment and sentenced to six months confinement and two years probation.
- Douglas Perkins of Louisiana was convicted in 1974 for the distribution of marijuana and barbituates. He was granted "relief" in 1985. In 1986, he was arrested again for the possession of marijuana, possession of a controlled substance with intent, and possession of illegal weapon concealed. The disposition of the charges for those crimes is unknown. In 1987 he was held in contempt of court, and charged with possession of a controlled

substance, and possession of an illegal machine gun. He was given five years probation for each charge. He was arrested again in 1988 for escape, simple work release, and self mutilation. No disposition was listed for any of these crimes.

NRA Uses "Lies" and Distortion to Help Rearm Felons

To accomplish their goal of reviving the program for non-violent felons, the NRA relied on gross misrepresentations regarding an amendment offered by then-Representative (now Senator) Richard Durbin (D-IL). The Durbin amendment was intended to clarify the scope of the effect of deletion of funding in the annual spending bills.

Since the ATF program was defunded in 1992, felons have begun to flood the federal courts with petitions to get their gun privileges back. Durbin therefore offered additional language to the fiscal year 1997 funding bill that would have made it clear that Congress never intended to shift the burden of investigating felons' applications from ATF to the courts.

An NRA alert to members of Congress stated falsely that Representative Durbin's amendment would remove restrictions on violent felons and drug traffickers and "put the public at the mercy of the unfettered discretion of liberal judges." The Durbin amendment was defeated because of the NRA's tactics. Then-Senator Paul Simon (D-IL)—the Senate sponsor of Durbin's amendment—issued a scathing press release in which Simon stated, "The NRA lied—and that's the only word for it—to score this temporary victory for these felons." Representative Durbin was quoted in the same press release stating, "The NRA has stooped to a new low in its effort to help make sure convicted felons can purchase firearms."

NRA Forces Courts to Run "Relief" Program

Representative Durbin and Senator Simon were unsuccessful in adding language to the funding prohibition to prevent felons from resorting to the courts for "relief." Moreover, the NRA-backed FOPA had added an amendment to federal law in 1986 that further expanded the rights of convicted felons. That provision explicitly provided for judicial review in cases in which ATF denied a felon "relief." Therefore, the federal courts have been forced to grapple with applications for "relief" from individual felons.

There is currently a split in the U.S. Courts of Appeals as to whether felons who may no longer apply to ATF for "relief" because of the elimination of funding for the program may still seek "relief" from the courts. The Fifth Circuit and the Ninth Circuit have ruled that the courts lack jurisdiction to consider appeals from felons seeking to have their firearm privileges restored. The Court of Appeals for the Third Circuit and

a federal district court in Texas, however, have taken a contrary stance. The Supreme Court has declined to resolve this split in the federal circuit courts.

The Third Circuit case *Rice v. United States*,⁴ involved a plaintiff convicted under federal law of possession of firearms by a convicted felon. Rice had been convicted of state felonies involving stolen automobile parts. He received a pardon from the governor of Pennsylvania for his state crimes. He then sought "relief" from ATF. The agency was unable to process Rice's application because of the funding prohibitions contained in ATF appropriations for fiscal years 1993 through 2000.

Rice then filed an action in U.S. District Court for judicial review of ATF's failure to act on his application. The district court ruled against Rice. But the Court of Appeals reversed the ruling of the lower court stating, "The appropriation acts presently before us fail to show a clear intent to repeal section 925(c) or to preclude judicial review of BATF's refusal to grant relief from firearms disabilities." The Court of Appeals ordered the lower court to determine whether Rice had met his burden of showing he "will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest."

The District Court then held a hearing and determined the following facts: Rice had pleaded guilty to receiving stolen property and conspiracy to commit larceny in 1971 at the age of 21. In 1986, Rice had acquired 38 handguns with knowledge that it was illegal for him to purchase or possess them. This led to Rice being charged by the federal government with unlawful possession of firearms, to which he pleaded guilty. In 1992, Rice was granted a pardon for his state conviction by the governor of Pennsylvania, after which he filed his third application with ATF for "relief from disability." The court then concluded that "Rice has been the victim of an unfortunate set of circumstances and bad timing..." and that he would "not be likely to act in a manner dangerous to public safety...." The court, therefore, restored his firearm privileges.

Adhering to the Third Circuit's ruling, other lower courts are hearing petitions from felons and have granted "relief" to the following felons:

- Gaetano Quintiliani, who was convicted of receiving stolen property in 1974.
- Louis Pontarelli, who was convicted of bribery in 1992 in connection with contracts for his construction company.
- Thomas Lamar Bean, a Texas gun show dealer who was convicted of illegally transporting ammunition into Mexico in 1998.

⁴ *Rice v. United States* 68 F.3d 702 (3rd Cir. 1995)

These cases are clearly just the beginning of a parade of felons who will seek "relief" through the courts in jurisdictions with rulings favorable to felons.

Conclusion

The current status of the "relief from disability" program is already resulting in the expenditure of significant judicial resources to make determinations as to whether individual felons are entitled to restoration of firearms privileges—resources that might better be spent hearing gun prosecution cases. This result was clearly not the intent of Congress when it zero-funded the "relief" program. Having courts making determinations regarding a felon's fitness for restoration of firearms privileges may actually cost taxpayers *more* than the ATF "relief" program since litigation is very expensive. As the Fifth Circuit observed in *United States v. McGill*,⁵ "We cannot conceive that Congress intended to transfer the burden and responsibility of investigating the applicant's fitness to possess firearms from the ATF to the federal courts, which do not have the manpower or expertise to investigate or evaluate these applications."

The history of the guns-for-felons program proves the blatant hypocrisy of the National Rifle Association. The NRA calls for tougher enforcement of gun laws and swift, sure, and final punishment for criminals. But the NRA has worked harder to rearm convicted felons than it ever has to keep guns out of criminals' hands. Congress should eliminate the "relief from disability" program once and for all.

⁵

United States v. McGill, 74 F.3d 64 (5th Cir. 1996).

Appendix I: 100 Cases of Felons Granted "Relief"
Crime Category Totals

Number of Arrests	Crime
22	Theft
13	Drugs–Distribution
11	Burglary
8	Firearms Violation
8	Tax Evasion
6	False Statement
5	Robbery
5	Sexual Assault
4	Drugs–Possession
4	Homicide
2	Alcohol Violation–Drinking & Driving Resulting in Injury
2	Alcohol Violation–Illegal Still
2	Game Law Violation
1	Abandonment
1	Alcohol Violation–Drinking & Driving Habitual Offender
1	Assault–(with a hammer)
1	Auto Violation–Driving While License Suspended
1	Concealing an Escaped Federal Prisoner
1	Counterfeiting
1	Extortion
1	Illegal Campaign Contributions
100	Total

Source: ATF Public Affairs Office

Appendix II: Examples of Felons Granted "Relief From Disability"

1) Alcohol Violation—Drinking and Driving Resulting in Injury

Applicant was found guilty of one count of assault in the third degree with a motor vehicle and was sentenced to a five-year term of imprisonment with a one-year mandatory minimum in physical custody. It is unclear how much time was actually served. Applicant was released from final parole in January 1984. The conviction stemmed from the applicant's vehicle colliding head-on with another vehicle. According to witnesses, the applicant had been very drunk, and his car crossed the center line and hit an oncoming vehicle occupied by three people. During the course of the investigation additional arrests or convictions for the years 1967 to 1978 were discovered that had not been listed on the application, including: juvenile burglary, disorderly conduct, minor in possession of alcohol, and driving while under the influence. The applicant, who had stopped drinking since the accident, sought "relief" so that he could hunt.

2) Assault (With a Hammer)

Name: Mr. Frederick⁶

During an argument, applicant, Mr. Frederick, hit one of his supervisors in the head with a hammer. He entered a plea of guilty to assaulting a federal employee on a government reservation and received five years probation. "Relief" was sought so that applicant could hunt with his son.

3) Counterfeiting

Applicant was adjudged to have committed the offenses of conspiracy to counterfeit federal reserve notes and counterfeiting of federal notes. He was sentenced to six months confinement, and three years probation with 500 hours of community service upon release. Applicant claimed that he had been a printing hobbyist and at the suggestion of his nephew had made federal reserve note plates out of curiosity to see who could produce the best facsimiles. Without his knowledge some of the \$20 and \$100 bills were circulated. Yet, in April 1989, a former Secret Service Agent told the ATF investigator that when a search warrant was executed at the applicant's residence, numerous plates as well as "Posse Comitatus" and "Sword, Covenant, and Arm of the Lord" right-wing extremist material was found. This information was

⁶ Most names of applicants were redacted from the records by ATF. Where they were given in the records, they are listed herein.

corroborated by a second Secret Service agent who added that at the time of the search warrant, the applicant was in possession of approximately five million dollars worth of printing equipment, more than 100,000 rounds of various commercial ammunition, reloading equipment and enough black powder to make again that quantity, 12 paramilitary/hunting knives, numerous long guns, approximately two handguns, and a crossbow. Material was also found indicating that the applicant was printing tax protest information.

4) Drugs-Distribution (Cocaine)

Applicant pleaded guilty to conspiracy to distribute a Schedule II controlled substance. On three occasions applicant was seen by Drug Enforcement Administration (DEA) agents supplying ounce quantities of cocaine to another person. The cocaine was intended for street use, as evidenced by its low quality. Although applicant was initially suspected of being part of a large cocaine ring, DEA agents concluded that he was a low-level user and supplier of cocaine. Applicant received a suspended prison term of five years, was placed on probation, ordered to perform community service, and required to pay a fine of \$2,100. Applicant applied for "relief" to pursue his hobby of target shooting.

5) Drugs-Distribution (Cocaine)

Applicant pleaded guilty to possession of cocaine with intent to deliver. Applicant, a police informer, purchased a small amount of cocaine. Following the purchase, the applicant was stopped by a uniformed police officer and subsequently gave consent to a search of his vehicle. The search revealed six bindles of cocaine and the marked money used for the controlled purchase. Applicant gave consent to a search of his bedroom, which produced numerous bindles of cocaine, containers with various pills and capsules, a quarter pound of marijuana, and \$4,685 in U.S. currency. Applicant was sentenced to 90 days in jail, fined \$750, and placed on three years probation. Applicant was released from probation on March 30, 1987. "Relief" was sought so that the applicant could go hunting.

6) Drugs-Possession (Heroin) and Other Crimes

Applicant was a former heroin addict who was arrested while in possession of 9.9 grams of powder containing heroin. He was originally charged with possession of a narcotic drug and pleaded guilty to unlawful use of heroin. He was sentenced to one year imprisonment. "Relief" was sought for four other felony crimes. Applicant had broken into a garage and stolen a lawnmower. Originally charged with breaking and entering a building, he pleaded guilty to larceny in a building and was placed on two years probation. In the third conviction, applicant was originally charged with larceny

from a person as the result of a purse snatching. He pleaded guilty to attempted grand larceny and was sentenced to 20 to 30 months imprisonment. In the fourth conviction, applicant had stolen seven overcoats from a Montgomery Ward Department Store. He was found guilty of larceny in a building and was sentenced to six months of weekends in jail and three years probation. In the fifth conviction, applicant pleaded guilty to stealing a bicycle from a mall and was placed on two years probation. A record check conducted during the investigation revealed additional arrests and convictions: applicant pleaded guilty to unlawfully taking and using automobile and was placed on two years probation; applicant was arrested for larceny under \$100 and paid a \$50 fine; applicant pleaded guilty to concealing stolen property (bicycles); applicant was arrested for receiving and concealing stolen property and was sentenced to 60 days; applicant was arrested for engaging a female for an act of prostitution, pleaded to a reduced charge and was sentenced to three months probation. All violations occurred more than 10 years before "relief" was granted. "Relief" was sought so that applicant could "be made a whole citizen." Applicant also planned to open a clothing store and felt he may need a firearm for the protection of his employees and himself. Applicant also noted he may want a gun for home protection.

7) Extortion

Name: Mr. Golna

Applicant, Mr. Golna, conspired with others selling items of gambling paraphernalia (punchboards, tipboards, Bingo games) to various private clubs and fraternal organizations. Golna, a law enforcement officer, extorted money from these clubs by threatening them with possible police raids if they did not purchase gambling paraphernalia from him. Golna was ordered imprisoned on an extortion charge for two years on condition that he be confined to a jail-type institution for 90 days. The remainder of the sentence was suspended and he was placed on probation. Golna was ordered imprisoned for a term of two years for each of the nine counts conspiracy, aiding and abetting, on the condition that he be confined to a jail-type institution for a period of 90 days on each count. The remainder of the sentence for each count was suspended and he was placed on probation. All sentences were to run concurrently. One interviewee characterized Golna as a "quick tempered and boisterous type" and would not recommend his owning a firearm. Golna reportedly told friends that he wanted "relief" so that he could carry a handgun, even though he told ATF that he sought "relief" to go hunting.

8) Homicide- Drinking And Driving

The applicant was convicted of felony homicide and causing bodily injury by intoxicated use of a motor vehicle and was sentenced to a term of five years

probation. The applicant had struck an oncoming motorcycle, killing the driver and seriously injuring the passenger. The applicant was released from probation in April 1987. In 1989 ATF acted on the applicant's "relief" application. Restoration was requested so that the applicant could hunt with family members.

9) Homicide-Drinking and Driving

Applicant had initially been charged with murder as the result of a traffic accident in which the applicant was driving while intoxicated and caused the death of another motorist. The applicant entered a plea of guilty to an amended charge of reckless homicide and was sentenced to five years in a state reformatory. He served 13 months of that sentence and was subsequently granted parole. Applicant had been driving home and was intoxicated when he fell asleep and crossed the center of the roadway, striking another vehicle head-on, killing its driver. Applicant sought "relief" so that he could go hunting.

10) Sexual Assault-Sexual Abuse of a Child

The applicant, 34 years old in 1989, was arrested following a complaint filed by his ex-wife. Applicant was arrested and charged with first degree felony, rape of a child. The applicant pleaded guilty to sexual abuse and was sentenced to an indeterminate term of not less than one year nor more than 15 years. The sentence was suspended and the defendant placed on probation for 18 months with the stipulation that he spend one year in work release. The local police department determined the facts of the case to be as follows: the applicant's 14-year-old stepdaughter by a previous marriage was visiting his home. A "rough-house" type of play turned into a "tickling incident" and ultimately led to the applicant masturbating onto the girl's stomach. The girl later told her mother who made the complaint to the police. In approving "relief," the ATF investigator noted that the felony conviction was five years old and "non-violent."

