



Violence Policy Center

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Putting Guns Back Into Criminals' Hands

*100 Case Studies of Felons Granted Relief From Disability
Under Federal Firearms Laws*



May 1992

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Section One

A Convicted Felons' Second-Chance Club

In September 1991 the Violence Policy Center¹ revealed that the Bureau of Alcohol, Tobacco and Firearms (ATF), the agency charged with enforcing the nation's federal firearms laws, was spending millions of taxpayer dollars annually to help convicted felons--including those involved in drug dealing, violent crimes, and terrorism--legally regain the privilege of possessing firearms.

Under federal law, convicted felons automatically lose the privilege of possessing firearms. Yet as the result of a 1965 amendment to the Federal Firearms Act of 1938, convicted felons can apply to ATF for "relief" from the "disability" of not being able to possess a gun. The 1965 law was passed as a congressional favor to firearms manufacturer Winchester, a division of Olin Mathieson Corporation. In 1962 Olin Mathieson pleaded guilty to felony counts stemming from a kickback scheme involving Vietnamese and Cambodian pharmaceutical importers. Because of its parent company's conviction, Winchester could no longer ship firearms in interstate commerce. The law was enacted to allow Winchester to stay in business and specifically excluded those convicted of firearms crimes.

Because of its broad wording and loose interpretation by ATF, the law soon became a convicted felons' second-chance club. Pursuant to 18 USC Section 925(c), relief can be granted if: "the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant 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." In 1986, the National Rifle Association-drafted McClure-Volkmer firearms decontrol bill dramatically expanded the universe of convicted felons who could once again legally possess firearms.

¹ The Violence Policy Center is a national non-profit educational foundation that conducts research on firearms and violence in America and works to develop violence-reduction policies and proposals.

The McClure-Volkmer bill:

- o Extended relief privileges to those who had been convicted of crimes involving a firearm, involuntarily committed to a mental institution, or who had violated the Gun Control Act of 1968.
- o Added wording expanding the ability of federal courts to review decisions by ATF to deny relief.
- o Amended federal law so that restoration of civil rights by a state automatically restored the privilege of firearm possession unless the state law or individual pardon expressly excluded the ability to possess firearms. Prior to McClure-Volkmer, the federal "relief from disability" mechanism was the only way for a convicted felon to regain his firearms privileges.²

In the last decade, ATF has processed more than 22,000 applications for relief. Between 1985 and 1990, approximately one third of those seeking relief were eventually granted it (see Chart I-1 and I-2). (Of those not granted relief, ATF estimates on average that a third drop out at some point during the process and that a third are denied relief.)

CHART I-1

Applications Received, Fiscal Year 1985-1990

FISCAL YEAR	1985	1986	1987	1988	1989	1990	TOTAL
APPLICATIONS RECEIVED	1,584	1,584	1,179	1,083	891	940	7,261

Source: ATF Public Affairs Office

²Two federal circuit courts have ruled that felons whose rights are restored by state law need not resort to the federal remedy in order to lawfully possess firearms. Moreover, such felons may not be prosecuted under federal law for unlawful possession of a firearm. U.S. v. Gomez, 911 F.2d. (9th Cir. 1990), U.S. v. Edwards, 946 F.2d. 1347 (8th Cir. 1991).

CHART I-2

Relief Granted By Type, Fiscal Year 1985-1990

TYPE OF RELIEF GRANTED	1985	1986	1987	1988	1989	1990	TOTAL
FIREARMS	584	474	294	258	298	256	2,164
EXPLOSIVES	4	3	1	2	2	1	13
FIREARMS & EXPLOSIVES	33	4	18	19	20	6	130
TOTAL	621	511	313	279	320	263	2,307

Source: ATF Public Affairs Office

Since 1985, the relief from disability budget has steadily climbed from \$2.7 million in fiscal year 1985 to \$4.2 million in fiscal year 1991 (see Chart I-3 below).

CHART I-3

Relief from Disability Program Budget, Fiscal Year 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
		\$21,741,000

Source: ATF Public Affairs Office

The names of those granted relief are required to be printed in the Federal Register along with the court of conviction. ATF does not print the crimes of conviction. In 1989 the Violence Policy Center requested copies of the conviction records and ATF investigations under the Freedom of Information Act (FOIA) and specifically requested the records of Alan M. Gottlieb, head of the pro-gun Citizens Committee for the Right to Keep and Bear Arms and founder of the Second Amendment Foundation. The agency refused to release all but Gottlieb's records. Gottlieb had pleaded guilty in 1984 to tax evasion. Two years later he applied for relief. In a pre-investigation interview Gottlieb explained to ATF agents that because of his involvement with the gun lobby and the fact that he was a director of the U.S. Ammunition Company, it was "awkward for him not being able to handle the ammunition product of the company...[and it was] also awkward for him not to handle firearms when he represents Citizens Committee to Keep and Bear Arms and the Second Amendment Foundation." Gottlieb's ATF investigative report (See Figure I-4 on pages five through 11) illustrates the comprehensive nature of the ATF investigation: interviews with regional law enforcement agencies, neighbors, friends, business associates, and arresting and probation officers. In recommending relief, Gottlieb's investigating officer described him as a "very devoted gun person...into conservative Right Wing stuff."

After a year of protracted negotiations with ATF for further information (ATF claimed Gottlieb's file was released as the result of his status as a public figure), the agency refused to release the documents. The Violence Policy Center then independently obtained the original court records of randomly chosen applicants. A random sample of 30 cases of the thousands of names that appear in the Federal Register yielded convictions for drug dealing, sex crimes, and terrorism.

- o Robert Christopher Gunn pleaded guilty in February 1980 to two counts of delivery of a controlled substance, narcotics or cocaine and was sentenced to three to 20 years for each charge. In 1989, having been released from prison, he received his relief.

- o In 1976, 19-year-old Jon Wayne Young pleaded guilty in Minnesota to aggravated assault and aggravated robbery. 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 just 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 his relief in 1989.

- o 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 unlawfully, violating the Arms Export Control Act, and unlawfully transporting hazardous material in foreign commerce. Brower had been 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. In June, 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 was eventually allowed to plead guilty and received a four-month prison sentence and was fined \$5,000. He received his relief four years later.

DEC 3

GRANTED

LE:F:P:PAO
3270.4

Mr. Alan Merrill Gottlieb
4725 136th S.E.
Bellevue, Washington 98006

Dear Mr. Gottlieb:

Reference is made to your application for restoration of Federal firearms privileges. We are pleased to advise you that we have granted your application pursuant to 18 U.S.C. section 925(c).

You are cautioned that this action provides restoration of your firearms privileges only with respect to Federal disabilities arising from a prior criminal conviction(s). It may or may not relieve you from any firearms disabilities to which you may now or hereafter be subject by reason of any State laws or local ordinances. You should consult State and local authorities to determine if you are subject to any firearms disabilities within their jurisdiction.

Appropriate offices of the Bureau responsible for the enforcement of firearms laws are being advised concerning the favorable conclusion of this matter.

Sincerely yours,

Director

CODE	INITIATOR	REVIEWER	REVIEWER	REVIEWER	REVIEWER	REVIEWER	REVIEWER
SUB-NAME	[REDACTED]						
DATE			12/8/86	12/8/86			

REPORT OF INVESTIGATION (Law Enforcement)

ROUTINE
 SENSITIVE

SIGNIFICANT

2. TO:
Director
Bureau of Alcohol, Tobacco and Firearms
Washington, D.C.

3. MONITORED INVESTIGATION INFORMATION (Number and Branch)

Seattle District Office

4. TITLE OF INVESTIGATION
GOTTLIEB, Alan Merrill

5. INVESTIGATION No. (Include Suspect No.)
03530-86-1983 A

6. TYPE OF REPORT (Check applicable boxes)

<input type="checkbox"/>	PRELIMINARY		COLLATERAL (Request)
<input type="checkbox"/>	STATUS	X	COLLATERAL (Reply)
<input checked="" type="checkbox"/>	FINAL		INTELLIGENCE
<input type="checkbox"/>	SUPPLEMENTAL		REFERRAL (Internal)

7. BUREAU PROGRAM

TITLE I	FIREARMS
TITLE II	
TITLE VII	
TITLE II	EXPLOSIVES
TITLE XI	
TOBACCO	
ALCOHOL	

8. PROJECT(S)

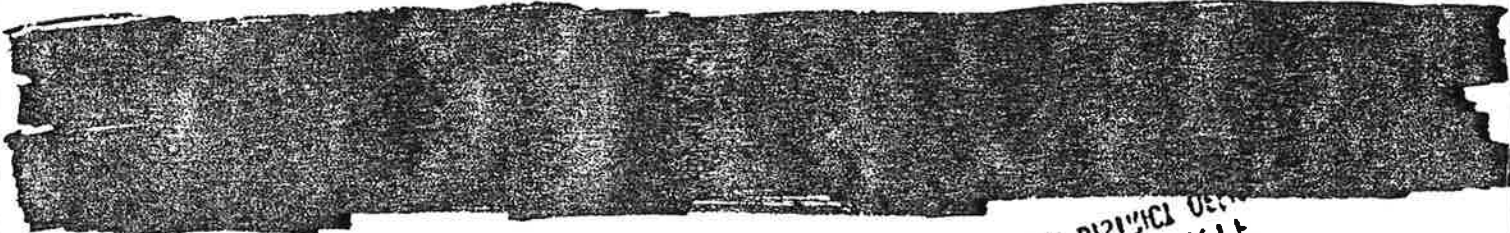
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<input type="checkbox"/>	TERRORIST/EXTREMIST
<input type="checkbox"/>	OCG
<input type="checkbox"/>	ITAR
<input type="checkbox"/>	SEAR
<input type="checkbox"/>	OMO
<input checked="" type="checkbox"/>	OTHER (Specify) Restoration

9. DETAILS:

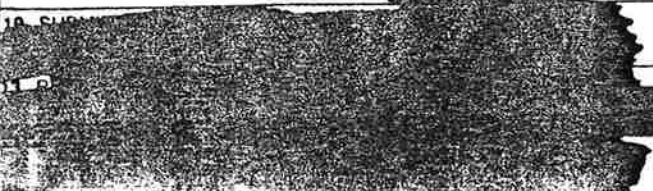
This report relates to an investigation of the merits of an application for Restoration of Firearms Privileges as filed under Title 18 USC, Chapter 44, by Alan Merrill Gottlieb, 4725-136th S.E., Bellevue, Washington, 98006, home phone (206) 747-6817, work phone (206) 454-7008.

PREINVESTIGATION INTERVIEW OF APPLICANT

On October 25, 1986, applicant was contacted regarding any changes or omissions relevant to his application for restoration privileges. Applicant advised he had no changes or omissions relevant to his application. The applicant advised that he is the President of Merrill Associates, a direct response advertising agency. He has been the president since 1974, and derived his income from that business. He stated he has a Degree in Nuclear Engineering from the University of Tennessee. He is the Chairman of the Citizen's Committee to Keep and Bear Arms and was the president of the Second Amendment Foundation. He also derives income from the Second Amendment Foundation. He stated that his felony conviction resulted from filing a false 1984, Tax Return and specifically from failing to file a Schedule C regarding business expenses. He received a sentence of one year and one day. He served eight and a half months in prison and was released March 8, 1985. He stated that he does not drink to excess, nor does he use drugs. He further stated he did not have any firearms. The applicant stated that he is on the Board of Directors of U.S. Ammunition Company and that it is awkward for him not being able to handle the ammunition product of the company. It is also awkward for him not to handle firearms when he represents Citizen's Committee to Keep and Bear Arms and the Second Amendment Foundation.



SEATTLE DISTRICT OFFICE
BUREAU OF ALE
NOV 1 1986



11. TITLE AND OFFICE Special Agent, Group B, Seattle	12. DATE 11-7-86
14. TITLE AND OFFICE Group B Supervisor, Seattle	15. DATE 11/7/86
17. TITLE AND OFFICE Special Agent in Charge, Seattle	18. DATE 11/7/86

RECEIVED
NOV 1 1986

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
REPORT OF INVESTIGATION - CONTINUATION SHEET
(Criminal Enforcement)

PAGE 2
OF 6 PAGES

TITLE OF INVESTIGATION

GOTTLIEB, Alan Merrill

UNIQUE IDENTIFIER

03530 86 1983 A

DETAILS (Continued)

CONVICTION FOR WHICH RESTORATION IS SOUGHT

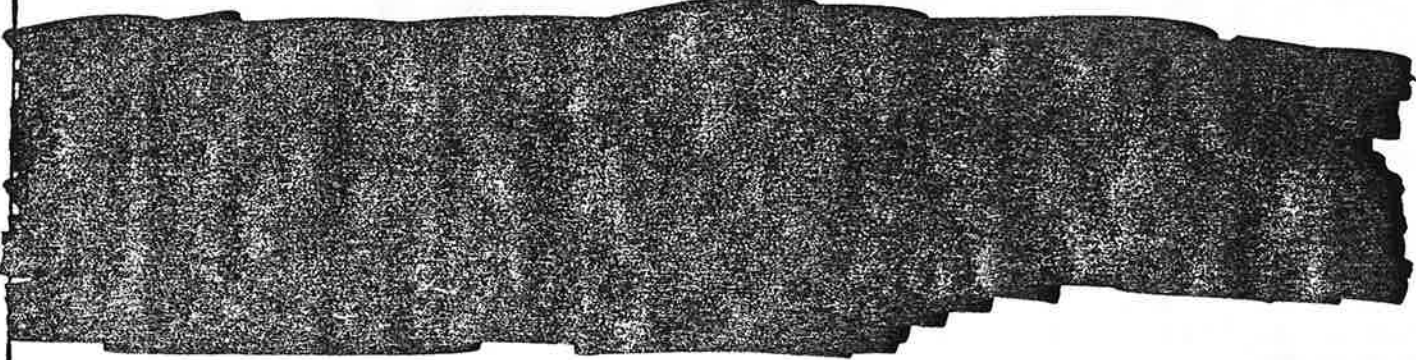
On January 12, 1984, an indictment was filed in United States District Court, Western District of Washington, Seattle, charging Alan Gottlieb with filing a false Income Tax Statement, a felony, in violation of Title 26 USC, Section 7206(1).

On May 31, 1984, United States District Court, Western District of Washington, Alan Gottlieb entered a plea of guilty to Title 26 USC, Section 7206(1) filing a false Income Tax Statement.

On June 5, 1984, in the aforementioned court, Alan Gottlieb was sentenced to one year and one day plus a fine of five thousand dollars (\$5,000.00).

Applicant was released from prison on March 8, 1985, and was not required to serve any parole time or report to the U.S. Probation or Parole Department.

Circumstances of the violation are as follows: On April 13, 1978, and on March 16, 1979, Alan Gottlieb filed a false Income Tax Return - Form 1040 for himself and his wife. The government alleged that in 1978, Gottlieb reported his taxable income as \$17,328.25 and paid \$3,354.00 tax when the taxable income was about \$76,500.00 with a tax due of about \$32,750.00. In 1978 the government claimed that Gottlieb had a taxable income of \$44,500.00 and tax due of \$11,000.00 but claimed \$13,334.00 and paid \$141.55 tax. Gottlieb pled guilty to the 1979 false return.



INTERVIEW OF CHARACTER REFERENCES

On 10-29-86 [redacted] Bellevue, Washington, [redacted] was interviewed. [redacted] advised he has known the applicant for the past two years, on a personal basis.

[redacted] stated that he is [redacted]. He describes the applicant as a splendid gentleman who is very intelligent. He stated that the applicant works on [redacted] and has unquestionable veracity. He believes the applicant to be a non-

REPORT OF INVESTIGATION—CONTINUATION SHEET
(Criminal Enforcement)

TITLE OF INVESTIGATION
GOTTLIEB, Alan Merrill

UNIQUE IDENTIFIER
03530 86 1983 A

DETAILS (Continued)

violent person who treats his family well. He believes the applicant would not be a threat to the community if his rights were restored. [REDACTED] recommends that the applicant's restoration privileges be approved.

On 10-22-86, [REDACTED] Bellevue, Washington, [REDACTED] was interviewed. [REDACTED] advised he has known the applicant for the past nine years, on a personal, social, and business basis.

[REDACTED] stated that he is [REDACTED] and worked [REDACTED]

He stated that the applicant is a non-violent person who understands and respects firearms. The applicant has no flaws in his character which would prevent him from being safe with firearms. He further stated that the applicant does not need firearms for his business, but because of the applicant's association with gun rights groups, he needs the restoration.

Lastly, he stated that the applicant owns his own business, Merrill Associates and he treats his family well.

[REDACTED] recommends that the applicant's restoration privileges be approved.

On 10-29-86, [REDACTED] Seattle, Washington, [REDACTED] was interviewed. [REDACTED] has known the applicant for the past two years, on a social basis. [REDACTED] he is [REDACTED] in Seattle, Washington.

[REDACTED] he knows the applicant through church and serves on the church finance committee, and from church social events. He was [REDACTED] at his Christening into the church. He describes that applicant as a sharp young man with a great mind, friendly and a good family man. He is aware of the applicant's problems with IRS and had no derogatory information.

[REDACTED] recommends that the applicant's restoration privileges be approved.

On October 30, 1986, [REDACTED] Bellevue, Washington, [REDACTED] was interviewed. [REDACTED] he has known the applicant for the past six years, on a personal and business basis.

[REDACTED] stated that he was [REDACTED] and worked for the applicant, [REDACTED] worked for the applicant in the same [REDACTED]

REPORT OF INVESTIGATION—CONTINUATION SHEET
(Criminal Enforcement)

PAGE 4
OF 6 PAGES

TITLE OF INVESTIGATION

GOTTLIEB, Alan Merrill

UNIQUE IDENTIFIER

03530 86 1983 A

DETAILS (Continued)

office from [REDACTED] at which time [REDACTED] joined a private firm. He stated the applicant gets along well with people, never loses control of himself, treats his family well and lives within his means. He sees no reason why the applicant should not have a firearm. He also believes that because of the applicant's association with the Second Amendment Foundation and the Citizen's Committee to Keep and Bear Arms, the applicant should at least have the right to possess firearms.

[REDACTED] recommends that the applicant's restoration privileges be approved.

CURRENT EMPLOYMENT CHECK

Mr. Gottlieb is currently self-employed at Merrill Associates, a direct response commercial advertising business.

Firearms are not needed for this job.

EMPLOYMENT HISTORY

Alan Gottlieb has been at his present employment for more than ten years, therefore, no further employment history checks were conducted. He is self-employed.

NEIGHBORHOOD INVESTIGATION

On November 6, 1986, [REDACTED], Bellevue, Washington, [REDACTED] was interviewed. [REDACTED] does not know Alan Gottlieb very well, but that the Gottlieb's are nice quiet neighbors. She does not think he is a threat to any one but preferred not to give a recommendation as to restoration.

PROBATION/PAROLE OFFICER

[REDACTED] FTS [REDACTED] Federal Probation and Parole Officer, who conducted the applicant's pre-sentence investigation. Mr. Gottlieb was not required to report to a parole officer upon his release from prison. [REDACTED] stated that the applicant had very little past problems [REDACTED]

He stated the applicant is a "very devoted gun person", and "into conservative Right Wing stuff" and Right to Bear Arms.

During the pre-sentence he was very cooperative, friendly and willing to work with [REDACTED] during the pre-sentence investigation. He stated that the applicant is a non-violent person and has a stable family life.

He further described the applicant as an energetic, successful individual who has a college degree in Nuclear Engineering.

REPORT OF INVESTIGATION—CONTINUATION SHEET
(Criminal Enforcement)

TITLE OF INVESTIGATION
GOTTLIEB, Alan

UNIQUE IDENTIFIER
03530 86 1983 A

DETAILS (Continued)

He stated the applicant was in the [REDACTED]
[REDACTED] sees no problems with the applicant's firearms rights being restored and recommends restoration.

ARRESTING OFFICER/LOCAL ENFORCEMENT AGENCY

On October 22, 1986, [REDACTED] IRS Special Agent, Alan Gottlieb's arresting officer, was contacted and reported that: Gottlieb is a non-violent type individual who filed a false income tax return involving a substantial amount of income. The act was not of omission but of premeditation according to [REDACTED] [REDACTED] stated that he would rather not make a recommendation as to restoration.

LAW ENFORCEMENT RECORD CHECKS

Criminal record checks were conducted at the following agencies, with the following results:

<u>Agency Name and City</u>	<u>Results</u>
1. October 14, 1986 Bellevue Police Department Bellevue WA	Negative
2. October 29, 1986 Washington State Patrol Olympia WA	Negative
3. October 30, 1986 King County Police Seattle WA	Negative

MENTAL COMPETENCY

No evidence of mental incompetency was discovered pertaining to the applicant during this investigation.

ADDITIONAL INFORMATION

Alan Gottlieb served a tour of duty in the U.S. Army. Gottlieb received an Honorable Discharge. The use of a firearm is not required in the scope of applicant's employment. There are no laws in the State of Washington, which prohibit applicant from possessing firearms. The felony for which restoration privileges is sought did not involve the use of a firearm.

REPORT OF INVESTIGATION - CONTINUATION SHEET
(Criminal Enforcement)

TITLE OF INVESTIGATION

GOTTLIEB, Alan Merrill

UNIQUE IDENTIFIER

03530 86 1983 A

DETAILS (Continued)


POSTINVESTIGATION APPLICANT INTERVIEW

On November 6, 1986, a follow-up interview was conducted with Alan Gottlieb. Due to the nature of the in-depth pre-investigation interview, the past investigation was very brief. The applicant had nothing further to contribute and there were no unanswered questions generated by the investigation.

RECOMMENDATION OF SPECIAL AGENT


Based upon the results of this investigation, I recommend that this application for restoration privileges, as filed by Alan Gottlieb, be approved.

This recommendaton is predicated on a firm belief that Alan Gottlieb will not act in a manner contrary to public safety or interest.


Special Agent


RECOMMENDATION OF GROUP SUPERVISOR

I concur with the recommendation of Special Agent 


Group B Supervisor

RECOMMENDATION OF SPECIAL AGENT IN CHARGE

I concur with the recommendation of Special Agent 


Special Agent in Charge

Soon after releasing this information, the Violence Policy Center filed an appeal with ATF regarding its FOIA request for the original investigative reports. In December 1991, having prevailed upon appeal, the Violence Policy Center reached an agreement with ATF to receive 100 consecutive cases from a specified time period. In the interest of expediting the release, VPC agreed to ATF's condition that for all cases the agency would delete the names, locations, and much of the time frame. These cases are detailed in Section III: 100 Case Studies of Felons Granted Relief From Disability on page 21.

As the result of the Violence Policy Center's work documenting the ATF relief from disability program, on February 27, 1992, Representative Larry Smith (D-FL), Representative Ed Feighan (D-OH), Senator Frank Lautenberg (D-NJ), and Senator Paul Simon (D-IL) held a press conference to announce the introduction of legislation to prohibit ATF from granting relief to convicted felons, in effect ending the program. The program was zero-funded in fiscal year 1993 and for each subsequent year. In June 1995, the National Rifle Association and Republican members of the Treasury Subcommittee of the House Appropriations Committee attempted unsuccessfully to revive funding for the program for fiscal 1996. Legislation to permanently end the program was re-introduced in the 104th Congress by Senators Lautenberg and Simon, and Representatives Richard Durbin (D-IL) and Ed Markey (D-MA).

Section II

Recidivist Crimes Committed by Felons Granted Relief From Disability

ATF estimates that for those granted relief from 1985 to 1989, 47 went on to again commit crimes. The recidivism rate--overall--for this five year period was 2.6 percent. Those most recently granted relief, not surprisingly, have the lowest recidivist rates, while those granted relief earlier in the decade--with more time to once again commit a crime--have the highest rates (see II-1 below).

CHART II-1

Those Granted Relief Who Are Subsequently Rearrested, 1985-1989

Year	Relief Granted	Number Rearrested	Percentage Rearrested
1985	386	14	3.6
1986	491	23	4.7
1987	327	8	2.5
1988	259	2	0.8
1989	318	0	0.0
Total	1,781	47	2.6

Source: ATF Public Affairs Office

Recidivist crimes that those granted relief were subsequently arrested for included: attempted murder; criminal attempted rape; first degree sexual assault; abduction-kidnapping; child molestation; illegal possession and sale of a machine gun; trafficking in cocaine, LSD, and PCP; and illegal firearms possession or carrying.

The severity of the original crimes of conviction compared with subsequent crimes committed effectively illustrate the futility in attempting to predict future criminal behavior based on a felon's criminal past.

Charts II-2 through II-5 list for the years 1985 through 1988 the 47 recidivists of the relief from disability program that the Bureau of Alcohol, Tobacco and Firearms is aware of. For each year the original crime of conviction with date is listed along with the subsequent recidivist crime. For the majority of recidivist crimes, ATF is not aware of the final disposition of the case following arrest. For these cases the term "no disposition listed" is used. In addition, if a crime is not a felony, or is pleaded down to a non-felony conviction, the recidivist would still be able to keep his guns. The information was obtained by the Violence Policy Center under the Freedom of Information Act.

CHART II-2

Recidivist Crimes for Those Granted Relief in 1985

Conviction for Which Relief was Sought	Subsequent Arrest Violation
1) 1980, Mail Fraud.	1988, Altering Transmission Number, Dismissed.
2) 1975, Burglary.	1986, Driving Under the Influence; 1987, Driving While Intoxicated; 1987, Injury to Child; no disposition listed.
3) 1982, Driving Under the Influence, Second Offense.	1985, Driving Under the Influence, convicted; 1985, Driving While License Under Suspension, convicted.
4) 1973, Trafficking in a Controlled Substance.	1988, Possession and Sale of an Illegal Machine Gun, Confined 10 years, six years parole after release; 1988, 924(c) [firearms] violation, 10 years; 1987, Trafficking in Cocaine, no disposition listed.
5) 1971, Grand Larceny.	1989, Possession of Cocaine, no disposition listed; 1989, Possession of a Firearm While in Possession of Cocaine, no disposition listed.
6) 1983, Vehicular Homicide.	1985, Possession of a Motor Vehicle While Intoxicated, dismissed.

- | | |
|---|--|
| 7) 1976, Larceny Greater than \$100. | 1989, Perverted Practice, no disposition listed. |
| 8) 1974, Grand Larceny. | 1985, Sale of LSD, sentenced to five years in prison. |
| 9) 1974, Distribution of Marijuana; Distribution of Barbiturates. | 1986, Possession of Marijuana, no disposition listed; 1986, Possession of Controlled Substance with Intent, no disposition listed; 1986, Possession of Illegal Weapon Concealed, no disposition listed; 1987, Contempt of Court, five years probation; 1987, Possession of a Controlled Substance, five years probation; 1987, Possession of an Illegal Machine Gun, five years probation; 1988, Escape, Simple Work Release, no disposition listed; 1988, Self Mutilation, no disposition listed. |
| 10) 1981, Use of Official Position or Office for Personal Gain. | 1988, Possession of Forged Instruments (six counts), no disposition listed; 1988, First Degree Theft, no disposition listed; 1988, ethics violations, no disposition listed. |
| 11) 1980, Sherman Anti-Trust Act violation. | 1986, Illegal Carrying of a Pistol, no disposition listed. |
| 12) 1979, Theft of Livestock. | 1989, False Fire Alarm (non-felony), no disposition listed. |
| 13) 1977, Fraud Through the Mails. | 1990, Obtaining Property By False Pretense, no disposition listed. |
| 14) 1975, Unemployment Fraud. | 1986, Trespass, no disposition listed. |

Recidivist Crimes for Those Granted Relief in 1986

Conviction for Which Relief was Sought	Subsequent Arrest Violation
1) 1976, Burglary.	1988, Possession of a Handgun by a Convicted Felon, no disposition listed.
2) 1977, Housebreaking, Grand Larceny.	1988, Driving While Intoxicated (misdemeanor), no disposition listed; 1989, Driving While Intoxicated (misdemeanor), no disposition listed; 1990, Driving While Intoxicated (felony), no disposition listed; 1990, Unlicensed Operation, Leaving Scene of an Accident, no disposition listed; 1990, Issuing Bad Checks, no disposition listed.
3) 1977, Burglary.	1986, First Degree Sexual Assault, five years in prison, five years probation; Second Degree Sexual Assault (four counts).
4) 1978, Distribution of Marijuana, Distribution of Cocaine.	1989, Simple Assault, no disposition listed.
5) 1983, Habitual Offender.	1989, Habitual Offender, no disposition listed.
6) 1980, False Statements to a Bank.	1989, Aggravated Assault, no disposition listed; 1989, unlawful use of a weapon, no disposition listed.
7) 1985, Theft of Services.	1988, Recklessly Endangering Another Person, no disposition listed.
8) 1979, Sale of Marijuana.	1986, Possession of Marijuana, no disposition listed; 1986, Selling PCP, no disposition listed; 1986, Possession of Dangerous Drugs, no disposition listed; 1986, Possession of Narcotics Equipment,

- no disposition listed.
- 9) 1982, Felony Theft. 1988, Possession of a Controlled Substance, no disposition listed; 1988, Burglary of a Motor Vehicle, no disposition listed; 1988, Unlawful Carrying of a Weapon, no disposition listed; 1988, Theft (two counts), no disposition listed.
- 10) 1980, Grand Larceny. 1989, Abduction-Kidnapping, no disposition listed; 1989, Robbery, no disposition listed.
- 11) 1982, First Degree Malicious Mischief; Second Degree Malicious Mischief. 1987, Driving While Intoxicated, no disposition listed.
- 12) 1977, Forgery. 1986, Retail Theft (second offense), no disposition listed.
- 13) 1974, Breaking and Entering With the Intent to Commit a Felony. 1988, Criminal Possession of a Firearm (misdemeanor), no disposition listed.
- 14) 1978, Burglary. 1988, Petty Theft, one year jail term, eight months work release.
- 15) 1976, Housebreaking and Larceny. 1986, Auto breaking (five counts), no disposition listed; 1986, Grand Larceny, no disposition listed; 1986, Fraudulent Checks, no disposition listed.
- 16) 1978, Possession of Marijuana. 1990, Violation of Federal Controlled Substance Act, no disposition listed.
- 17) 1982, Burglary. 1988, Theft by Unlawful Taking, no disposition listed.
- 18) 1975, Possession of Marijuana With Intent to Distribute. 1987, Drunk in Public, no disposition listed; 1987, Resisting Arrest, no disposition listed.
- 19) 1977, Second Degree Burglary. 1988, Burglary, no disposition listed.

20) 1985, Obstructing Justice, Aiding and Abetting Conspiracy, Foreign Corruption.

1987, Driving While Intoxicated, no disposition listed.

21) 1980, Larceny.

1987, Bad Check (felony); no disposition listed; 1990, Destroying Personal Property, no disposition listed (two counts); 1990, Attempted Murder (two counts), no disposition listed.

22) 1980, Delivery of of a Controlled Substance.

1989, Child Molestation, no disposition listed.

23) 1976, Possession of Marijuana.

1987, Possession of Cocaine, dismissed; 1987, Possession With Intent to Distribute Cocaine, 15 year sentence, suspended, five years probation; 1987, Transportation of Cocaine, one year suspended sentence; 1987, Possession of Prescription Drugs, one year suspended sentence.

CHART II-4

Recidivist Crimes for Those Granted Relief in 1987

Conviction for Which Relief was Sought	Subsequent Arrest Violation
1) 1976, Grand Larceny, (two counts).	1988, Offer to File False Instrument (felony), no disposition listed.
2) 1977, Attempted Felony of a Motor Vehicle.	1988, Conspiracy to Export Cocaine, no disposition listed; 1988, Exportation of Cocaine, no disposition listed; 1989, Felony Malicious Destruction of Property, no disposition listed.
3) 1981, Burglary, Theft, Criminal Conspiracy.	1988, Criminal Attempted Rape, found guilty; 1988, Indecent Assault, unclear disposition; 1988, False Imprisonment, no disposition listed; 1988, Harassment, no disposition listed.
4) 1980, Second Degree Burglary.	1990, Fourth Degree Assault-Domestic Abuse, no disposition listed.
5) 1977, Possession of Marijuana.	1988, Driving Under the Influence, unclear disposition.
6) 1982, Driving While Intoxicated (third offense).	1987, First Degree Sexual Assault, sentenced to three to nine years.
7) 1983, Breaking and Entering.	1987, Malicious Wounding, no disposition listed.
8) 1978, Burglary.	1989, Third Degree Assault (misdemeanor), no disposition listed; 1989, First Degree Assault (felony), no disposition listed.

CHART II-5

RECIDIVIST CRIMES FOR THOSE GRANTED RELIEF IN 1988

Conviction for Which Relief was Sought	Subsequent Arrest Violation
1) 1977, Perjury to a Grand Jury.	1988, Wanton Endangerment, confined for six months, two years probation.
2) 1983, Second Degree Burglary; 1983, Third Degree Criminal Possession of a Weapon.	1988, Conspiracy (misdemeanor), no disposition listed.

Section III

100 Case Studies of Felons Granted Relief From Disability

The crime definitions used to categorize the 100 cases of those granted "relief from disability" chronicled in this section are outlined in Chart III-1. Definitions are for the purpose of this study and are not designed to reflect exact legal criteria or usage.

CHART III-1

Crime Categories

Abandonment

Alcohol Violation:

Felonies involving alcohol that are not violent.

Assault

Auto Violation:

Felonies involving automobiles that are non-violent.

Burglary:

Forced entry into a structure for purposes of theft.

Concealing an
Escaped Federal Prisoner

Counterfeiting

Drugs--Distribution:

Any aspect of the drug distribution chain: planting, harvesting, holding, transport, sale.

Drugs--Possession:

Possession of drugs for non-distribution purposes.

Extortion

False Statement:

Any false statement used to deceive for any purpose that could result in a felony conviction.

Firearms Violation:	Includes explosives violations, Federal Firearms Licensee violations, federal firearms law violations, firearms carrying violations.
Game Law Violation	
Homicide	The non-justifiable taking of a human life. Includes manslaughter charges resulting from drunk driving.
Illegal Campaign Contributions	
Robbery	The taking of an item of value from an individual by force.
Sexual Assault	All crimes of a sexual nature, includes sexual child abuse.
Tax Evasion	All crimes stemming from the misrepresentation of income to the federal government for taxation purposes.
Theft	All theft not involving violence or forced entry into a structure

Chart III-2, "Listing of Crimes Committed," offers a listing by crime category of the crimes committed by the 100 felons profiled in this study. The following codings are offered to act as a guide for use with the full listing (with description and history) of the 100 cases.

V--Crime for which relief was sought involved violence against another person. Violence against another person is defined as using intimidation, or causing harm to another person, with or without a weapon. Category includes homicides and injury resulting from drunk driving.

Q--Case history reveals additional facts (in addition to crime of conviction) that call into question judgment of granting relief. For example: recommendation of local law enforcement that relief not be granted, a history of previous violent acts, discrepancies revealed in the interview process.

N--Name of person or company granted relief was obtained from ATF documents.

Listing of Crimes Committed

100 Felons Granted Relief From Disability

1)			Abandonment
2)	V		Alcohol Violation--Drinking and Driving Resulting in Injury
3)	V		Alcohol Violation--Drinking and Driving Resulting in Injury
4)			Alcohol Violation--Drinking and Driving, Habitual Offender
5)			Alcohol Violation--Illegal Still
6)		Q	Alcohol Violation--Illegal Still
7)	V		Assault--(With a Hammer)
8)		N	Auto Violation--Driving While License Suspended
9)			Burglary
10)			Burglary
11)			Burglary
12)		Q	Burglary
13)			Burglary
14)			Burglary
15)			Burglary
16)			Burglary
17)			Burglary
18)			Burglary--Breaking and Entering
19)			Burglary and Check Forgery
20)			Concealing an Escaped Federal Prisoner
21)		Q	Counterfeiting
22)			Drugs--Distribution (Chlordiazepoxide)
23)			Drugs--Distribution (Cocaine)
24)			Drugs--Distribution (Cocaine)
25)			Drugs--Distribution (Cocaine)
26)			Drugs--Distribution (Cocaine)
27)			Drugs--Distribution (Cocaine)
28)			Drugs--Distribution (Cocaine)
29)			Drugs--Distribution (Cocaine)
30)			Drugs--Distribution (Marijuana)
31)			Drugs--Distribution (Marijuana)
32)			Drugs--Distribution (Marijuana)
33)			Drugs--Distribution (Marijuana) and Other Crimes
34)			Drugs--Distribution (Valium)
35)			Drugs--Possession (Chlorazepate)

36)			Drugs--Possession (Cocaine)
37)			Drugs--Possession (Heroin) and Other Crimes
38)			Drugs--Possession (Heroin and Dolophine)
39)	Q	N	Extortion
40)			False Statement--Conspiracy and Perjury
41)			False Statement--False Statement Before a Grand Jury
42)		N	False Statement--False Statement on a Loan Application
43)			False Statement--False Statement to a Government Agency
44)			False Statement--Misprision of a Felony
45)			False Statement--Perjury
46)	Q	N	Firearms Violation--Dealing in Explosives Without a License
47)			Firearms Violation--Federal Firearms License (FFL) Violation
48)		N	Firearms Violation--Federal Firearms License (FFL) Violation
49)			Firearms Violation--Illegal Possession of a Handgun
50)			Firearms Violation--Illegal Possession of a Handgun
51)	Q	N	Firearms Violation--Illegal Sale of an NFA Weapon, Machine Gun
52)			Firearms Violation--Illegal Sale of an NFA Weapon, Machine Gun
53)			Firearms Violation--Illegal Sale of an NFA Weapon, Short-Barreled Shotgun
54)			Game Law Violation
55)			Game Law Violation
56)	V		Homicide--Drinking and Driving
57)	V		Homicide--Drinking and Driving
58)	V		Homicide--Drinking and Driving
59)	V		Homicide--Manslaughter Involving a Firearm
60)		N	Illegal Campaign Contributions
61)	V		Robbery--Armed Robbery (With a Handgun)
62)	V		Robbery--Robbery (With an Iron Bar)
63)	V		Robbery--Robbery (With a Butcher Knife)
64)	V		Robbery--Robbery (With a Metal Pipe)
65)			Robbery--Robbery, Receiving Stolen Property
66)	V	Q	Sexual Assault--Aggravated Rape
67)	V		Sexual Assault--Rape and Sodomy
68)	V		Sexual Assault--Second Degree Sexual Assault
69)	V		Sexual Assault--Sexual Abuse of a Child
70)	V		Sexual Assault--Sexual Abuse of a Child
71)		Q	Tax Evasion
72)			Tax Evasion
73)			Tax Evasion
74)			Tax Evasion
75)			Tax Evasion
76)			Tax Evasion
77)			Tax Evasion
78)			Tax Evasion
79)			Theft
80)			Theft
81)			Theft--Auto

- 82) Theft--Conspiracy to Transport Stolen Property
Across State Lines
- 83) Theft--Embezzlement
- 84) Theft--Fraud
- 85) Theft--Fraud
- 86) Theft--Grand Larceny
- 87) N Theft--Grand Larceny
- 88) Theft--Grand Larceny
- 89) N Theft--Mail Fraud and Conspiracy
- 90) Theft--Misapplication of Funds and Making False
Statements
- 91) Theft--Presentation of a Payment for Claim Against
the United States Which was Known to be False,
Fictitious, or Fraudulent
- 92) Theft--Racketeering, Hobbs Act Violations, Mail Fraud
- 93) Theft--Receiving Stolen Property
- 94) N Theft--Theft and Possession of Stolen Mail
- 95) Theft--Theft by Failure to Make Required Disposition
- 96) Theft--Theft From Interstate Shipment
- 97) Theft--Transport and Ship in Interstate Commerce
Stolen Goods
- 98) Theft--Unauthorized Acquisition of Food Stamps
- 99) Theft--Unauthorized Acquisition of Food Stamps
- 100) Theft--Unauthorized Acquisition of Food Stamps

Chart III-3 tallies the crimes of those granted relief by crime category.

Of the 100 cases sampled, 41 percent involved either crimes of violence (16 percent); drug distribution or possession (17 percent); or firearms violations (eight percent). (These figures are taken from the felonies for which relief was granted, and do not include other crimes revealed in the case history for which relief was not necessary.)

CHART III-3

Crime Category Totals

100 Cases of Felons Granted Relief From Disability

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 and Driving Resulting in Injury
2	Alcohol Violation--Illegal Still
2	Game Law Violation
1	Abandonment
1	Alcohol Violation--Drinking and 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

Chart III-4 contains synopses of cases taken from ATF investigative reports received by the Violence Policy Center under the Freedom of Information Act. Under the agreement between the Violence Policy Center and ATF, the 100 cases represent a sample of the cases acted on by ATF in 1989. They have been taken in chronological order. All identifying factors have been deleted by ATF to protect the privacy of felons granted relief. Missing names of applicants, victims, cities, states, and incomplete time frames reflect deletions in the documents made by ATF. Where dates or names can be ascertained, they are given. All applicants cited were granted relief.

CHART III-4

Relief From Disability

100 Cases

1) ABANDONMENT

Applicant was convicted of abandonment after he left his wife and children without support for more than 48 hours. He was sentenced to six months in the county jail and required to serve a period of probation/parole. Relief was sought so that applicant could become a co-Federal Firearms Licensee with his wife and work in the firearms department of the family sporting goods store.

2) ALCOHOL VIOLATION--DRINKING AND DRIVING RESULTING IN INJURY

The applicant was convicted of the felony crime of causing great bodily harm by intoxicated use of a motor vehicle, and was sentenced to 15 days in county jail, one year probation, and fined \$530. He was released from probation/parole in October 1986. In May 1985 the applicant had attempted to pass another vehicle and drove head-on into another car resulting in its occupant receiving a broken pelvis and stitches. Restoration was sought so that the applicant could go hunting.

3) 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.

4) ALCOHOL VIOLATION--DRINKING AND DRIVING, HABITUAL OFFENDER

Applicant had been convicted of three operating under the influence charges and was subsequently classified as a habitual motor vehicle offender, a felony. Other arrests included a May 1976 arrest for assault and battery, which the applicant pleaded guilty to. He was given 10 days in jail and fined \$75.00. Relief was sought so that applicant could hunt with his friends.

5) ALCOHOL VIOLATION--ILLEGAL STILL

Fourteen years previously, applicant had pleaded guilty to engaging in business of a distiller in violation of U.S. code and was placed on three years probation and fined \$500. Applicant had been making moonshine. Applicant worked in his wife's pawn shop and had not known that his conviction had been a felony. Once he was made aware of this he no longer dealt in guns. Relief was sought so that applicant could hunt and protect his family if he had to. He added that it had been a strain on his wife since he wasn't able to sell guns in her pawn shop.

6) ALCOHOL VIOLATION--ILLEGAL STILL

Applicant was convicted of possession of an unregistered whiskey still. Applicant said that he had gone to get some moonshine whiskey from a relative, who he found on the road moving the still. The two of them were on the road talking when an ATF agent drove up. Although his relative ran away, applicant was arrested and eventually sentenced to three years probation. Applicant was asked about two firearms incidents. In one, his wife's cousin called to say he was coming over to kill the applicant. When the man arrived, the applicant shot him in the leg. The applicant was not arrested and the injured man did not press charges. The incident had happened eight years previous to application for relief as had a second incident in which the applicant's wife loaned her nephew and an unnamed man a .32 pistol. The gun was later used to shoot a girl. When a federal agent came to the applicant's home to ask him why he had sold the gun to the man, a convicted felon, the applicant's wife admitted having loaned the weapon to him. During the investigation of the handgun incident it was revealed that the applicant was a convicted felon and forbidden from possessing firearms. At that time the applicant applied for relief and it was denied. Other arrests of the applicant included: suspicion of arson involving an automobile, no disposition; possession of beer, fined \$25.00; disturbance, no disposition; public drunkenness, no disposition. Applicant had also been indicted on aggravated assault. The indictment revealed that the applicant had stabbed his son-in-law with a knife for beating his daughter. In explaining the incident, the applicant stated that he was riding through the neighborhood when he saw his daughter's husband beating her head against a cement porch. He stopped to get his son-in-law to leave, but he came after him. The applicant stabbed his son-in-law in self-defense. Character witnesses noted that the applicant needed firearms to protect his catfish ponds from turtles and other predators.

7) ASSAULT (WITH A HAMMER)

NAME: Mr. Federick

During an argument, applicant, Mr. Federick, 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.

8) AUTO VIOLATION--DRIVING WHILE LICENSE SUSPENDED

Applicant pleaded guilty to driving while his license was suspended. He was sentenced to 60 days in prison. Applicant served 10 of the 60 days, the remainder of the sentence being suspended. Restoration was sought so that the applicant could go target shooting with long guns.

9) BURGLARY

Applicant pleaded guilty to first degree burglary and possession of stolen property second degree. He was sentenced to 20 years confinement for the burglary charge and five years confinement for the stolen property charge. He served 20 months in prison and was paroled. The applicant and associates had burglarized a private residence. Among the stolen goods were seven shotguns. Relief was sought so that the applicant could go hunting.

10) BURGLARY

Applicant was charged with burglary in the first degree and entered a plea of guilty to burglary in the second degree. He was sentenced to a maximum of three years in prison. Applicant had broken into a company tool shed looking for money. A local law enforcement check revealed that applicant had been involved with supplying minors with alcohol and had been charged with drunk driving. The local officer interviewed recommended that because the applicant was a felon he be denied relief, stating that "convicted felons do not need any type of weapons." Relief was sought so that the applicant could once again hunt with his father and friends.

11) BURGLARY

Applicant pleaded guilty to burglary in the second degree and was sentenced to four years under the direction and control of his state's Department of Corrections. Applicant had forced his way into a closed jewelry store and activated a silent alarm while he was burglarizing the business. In 1981 the applicant had resigned from the post office while being investigated for drug use. He had been a user of PCP, barbiturates, and marijuana until 1984 when he stopped using them and joined Narcotics Anonymous. Applicant sought restoration so that he could go hunting.

12) BURGLARY

In 1975 applicant pleaded guilty to burglary. The applicant and a juvenile had been arrested after they had broken 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 that with regard to the brandishing a firearm charge, he had come home drunk one night and got in 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 the applicant's neighbors, co-workers, and references endorsed relief, "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...."

13) BURGLARY

Applicant entered a plea of guilty to burglary and was sentenced to a term of four years probation. Applicant had received a radio taken from the burglary of an automobile on display at a used car lot. Applicant sought relief for possession of both firearms and explosives.

14) BURGLARY

Applicant was convicted of burglary and sentenced to a term of probation for 18 months. Applicant and an accomplice took personal property valued at more than \$1,000 from a locked residence. Applicant had previously been arrested for disorderly conduct. Relief was sought so that the applicant could go hunting.

15) BURGLARY

Applicant was found guilty of burglary and sentenced to a term of probation for a period of two years, was ordered to make restitution in the amount of \$100, and pay a fine of \$350. Applicant was apprehended inside an Outlet store as he was stealing clothing. Previous arrests were: 1974, possession of marijuana (convicted and placed on probation for a year); 1978, reckless driving (convicted and ordered to pay a fine); 1978, disorderly conduct (found not guilty).

16) BURGLARY

Applicant, with two others, had been involved in a burglary. Applicant's two accomplices were apprehended inside the store being burglarized while the applicant, who had acted as the driver, was apprehended several blocks from the scene. Applicant was sentenced to a two year undefined sentence.

17) BURGLARY

When applicant was 18 years old he and "a fellow eighth grade student" burglarized a store of \$35. Both were convicted and received five years probation. Applicant's probation was revoked and he was sentenced to serve three years at hard labor following a second burglary during which he stole \$55 cash and eight cartons of cigarettes. Applicant had been elected as a constable, a position which has statutory authority for the use of firearms as needed for enforcement of state laws.

18) BURGLARY--BREAKING AND ENTERING

Applicant pleaded guilty to breaking and entering and received a one to three year sentence (suspended). Applicant also paid a \$100 fine. In 1986, the applicant and an associate had entered two hunting cabins and removed personal property valued at \$831. Relief was sought so that the applicant could go hunting.

19) BURGLARY AND CHECK FORGERY

Applicant was convicted of felony theft by false pretext (check forgery) and sentenced to four years in prison. He was released after a year and placed on probation. Applicant was also convicted of burglary. Applicant stated that he was out of work and drunk. He had climbed through the window of a beer store and stayed in the store for a half hour drinking beer. He was convicted of burglary and sentenced to seven years in prison. He served three years and was placed on parole for eight months. Applicant had received a pardon but wished to go through with the ATF relief procedure. Applicant sought relief so that he could go hunting.

20) CONCEALING AN ESCAPED FEDERAL PRISONER

Applicant was convicted of concealing an escaped federal prisoner, and was placed on probation for three years. Applicant stated that the escaped prisoner, an acquaintance, had come to his house while he was at work. When the applicant arrived home from work he found police officers in his backyard, who asked him if he had seen the escaped prisoner. The applicant replied that he had not seen him for three or four months. The applicant later found out that the escaped prisoner was in his house, but hadn't known this until about two hours after he had come home from work. The applicant later had company over and was grilling in the backyard when the police returned with a search warrant and found the prisoner hiding underneath a bed. The applicant did not realize that he was going to be arrested until he and his wife were called to come before the magistrate. Police later told him that he should have called them when he found the prisoner in his house. Relief was sought because the applicant wished to hunt and enjoyed collecting guns.

21) COUNTERFEITING

Applicant was adjudged to have committed the offenses of conspiracy to counterfeit federal reserve notes and counterfeiting of federal reserve 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 corroborated by a second Secret Service agent who added that at the time of the search warrant, the applicant was in possession of approximately \$5 million 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.

22) DRUGS--DISTRIBUTION (CHLORDIAZEPOXIDE)

Applicant was convicted, apparently in 1977, of conspiring to, and delivering controlled substances. Applicant had arranged for the sale of four capsules of a schedule IV controlled substance, Chlordiazepoxide (a drug used to treat mental depression), to be sold and transferred. Although applicant stated that he was not directly involved in the sale and transfer of the drug on this occasion, he did later sell and transfer five hundred capsules of the same drug. Applicant stated that he acted only as a courier and later cooperated in the investigation. The applicant's record included numerous prior arrests and/or convictions. In 1980, speeding, attempting to elude police, expired license plate, no insurance, and wanton endangerment. Also in 1980, public intoxication, possession of marijuana, contributing to the delinquency of a minor, reckless driving, disorderly conduct, resisting arrest, assault upon a police officer, and terroristic threatening. In 1981, driving under the influence, operating on a suspended license, and criminal trespass. In 1984, wanton endangerment and reckless driving. In 1988, traffic citations for no insurance, no operator's license, and expired registration, and speeding. Relief was requested by the applicant to aid him in managing and operating the family pawn shop.

23) 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 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.

24) DRUGS--DISTRIBUTION (COCAINE)

Applicant was found guilty of conspiring with four others to possess with intent to distribute 13.4 grams of 100 percent pure cocaine. Applicant was sentenced to five years in federal prison and was placed on parole. In August 1979 parole was terminated early. Applicant applied for relief so that he could possess a firearms collection bequeathed to him by his father.

25) DRUGS--DISTRIBUTION (COCAINE)

Applicant was sentenced to 90 days in jail, 240 hours of community service, and three years probation following his plea of no contest to a charge of delivery of a controlled substance. The applicant's conviction stemmed from the sale of approximately one gram of cocaine for \$100 to an undercover deputy sheriff. Applicant sought restoration so that he could go hunting.

26) DRUGS--DISTRIBUTION (COCAINE)

Applicant stated that he and some friends were using cocaine and that he would keep it in his house until someone wanted to use it, at which time they would come and get it from him. One of his friends was eventually arrested and became a police informant. The informant then bought drugs twice from the applicant, and the applicant was subsequently arrested as the result of a

police raid that turned up an eighth of an ounce of cocaine. Applicant sought relief so that he could obtain a pistol permit to go target shooting. He also wished to go hunting.

27) DRUGS--DISTRIBUTION (COCAINE)

Applicant was convicted of two counts of distribution of a controlled substance as an accommodation and was sentenced to one year per count with 10 months suspended on each count and 50 hours of community service required. A co-worker of the applicant had been arrested on a cocaine charge. The co-worker cooperated with police and advised them that cocaine had been purchased from a mutual friend. An undercover officer was introduced to the friend, who sold cocaine to the officer in the presence of the applicant. Both the friend and the applicant were arrested. Relief was sought so that the applicant could go hunting.

28) DRUGS--DISTRIBUTION (COCAINE)

Applicant was convicted in a jury trial of intent to distribute cocaine and illegal distribution of narcotics. A friend had approached him, along with two individuals claiming to be visitors from out of town, and asked applicant to purchase an ounce of cocaine. Applicant then went to his source's house, and purchased an ounce of cocaine. He then learned that the two individuals accompanying his friend were undercover police officers. Subsequent to this conviction, applicant was arrested in February 1981 for possession/delivery of cannabis, a misdemeanor. He was fined \$100. Relief was sought so that the applicant could go hunting.

29) 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 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.

30) DRUGS--DISTRIBUTION (MARIJUANA)

For a five-year period the applicant and unindicted co-codefendants conspired to import and possess marijuana with intent to distribute. The co-conspirators also concealed the amount and source of income by filing fraudulent income tax returns. Applicant was sentenced to three years confinement and/or supervised release.

31) DRUGS--DISTRIBUTION (MARIJUANA)

Applicant pleaded guilty to the charges of conspiracy to manufacture marijuana and manufacturing marijuana and was sentenced to 18 months in prison. The sentence was subsequently reduced to six months. The applicant had been approached by an individual who wanted some ground bushhogged and plowed to grow marijuana. A price of \$50,000 was agreed upon and the applicant and others were subsequently arrested.

32) DRUGS--DISTRIBUTION (MARIJUANA)

Applicant had pleaded guilty to unlawful planting, cultivation, and harvesting of marijuana for sale. He was sentenced to serve one year, served one month, and was placed on probation. Applicant and seven others were hired to pick a crop of marijuana for \$100 a day. The field was raided and the applicant was arrested. Applicant had an additional nine arrests, including underage drinking and improper use of auto registration tags.

33) DRUGS--DISTRIBUTION (MARIJUANA) & OTHER CRIMES

Applicant's convictions stemmed from unlawful acts that included: selling marijuana to an undercover police officer, purchasing stolen goods, breaking into and burglarizing a drug store, attempting to assault an off-duty police officer, and possession of marijuana. Applicant was convicted of these acts and sentenced to 18 months in prison and four years probation. Applicant also paid a settlement of \$1,632 to his burglary victim. Other arrests that did not preclude the applicant from possessing a firearm included: property damage; possession of stolen property; and a traffic offense. Relief was sought so that the applicant could one day take his two-year-old son hunting.

34) DRUGS--DISTRIBUTION (VALIUM)

Applicant was indicted on four counts of unlawful possession of a controlled substance with intent to sell and one count of unlawful possession of a controlled substance. Applicant pleaded guilty to one count of a five-count indictment, sale of a schedule IV drug. She was sentenced to three years probation and fined \$1,000. The indictment arose from an arrest of the applicant's husband for selling Valium to an undercover narcotics agent. Applicant had been in her mother's car with her husband when he sold the drugs to an undercover agent. Applicant sought relief "mainly to have all her rights that she once enjoyed as a citizen before her felony conviction."

35) DRUGS--POSSESSION (CHLORAZEPATE)

Applicant was found guilty of attempted possession of a controlled substance and attempted receiving and concealing stolen property in excess of \$100. The convictions occurred after the applicant purchased stolen property. When arrested for this charge, police found the prescription drug chlorazepate on his person. He was sentenced to two years probation. Previous charges included: tampering with a motor vehicle; drunk and disorderly; larceny; assault; and three counts of breaking and entering. The ATF agent first came into contact with the applicant when he received a referral from the ATF Compliance Branch alleging that the applicant might be a felon in possession of a firearm. During a routine compliance inspection of a Federal Firearms Licensee the applicant's name had been randomly selected from the dealer's acquisition/disposition book and a

background check run on it, revealing his felony conviction. In conversations with the ATF agent, the applicant stated that his rights had been restored by the state and that he was unaware of any federal restrictions on his firearms rights. He disposed of his firearms and sought relief. ATF did not seek prosecution. Relief was sought so that the applicant could go hunting.

36) DRUGS--POSSESSION (COCAINE)

Applicant pleaded guilty to two counts of simple possession of cocaine. The case was filed after the applicant was arrested for selling a half ounce and half gram of cocaine to an undercover narcotics officer. For each count the applicant was sentenced to one year in prison (suspended) and two years active probation. Applicant currently took part in "Say No To Drugs" lectures at local high schools. Relief was sought six years after probation had been terminated.

37) DRUGS--POSSESSION (HEROIN) AND OTHER CRIMES

Applicant was 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 an 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.

38) 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 Walter 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 and a gun and stolen clothing being found in his car. Applicant had also been court martialled, imprisoned for four months, and received a bad conduct discharge from the armed forces after going AWOL. Applicant, who had broken his drug habit while in prison, sought relief so that he

could go hunting.

39) EXTORTION

NAME: Mr. Golna

Applicant, Mr. Golna, apparently of Pennsylvania, 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 nine counts of 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

40) FALSE STATEMENT--CONSPIRACY AND PERJURY

Applicant was convicted of conspiracy and three counts of perjury for false statements to a grand jury. He was subsequently sentenced to 18 months in federal prison. Relief was sought so that the applicant could go hunting.

41) FALSE STATEMENT--FALSE STATEMENT BEFORE A GRAND JURY

Applicant gave false testimony before a grand jury concerning the exchange of \$40,000 in large bills for \$40,000 in small bills at the direction of a documented organized crime figure. The applicant, "an avid sportsman," requested relief so that he could go hunting.

42) FALSE STATEMENT--FALSE STATEMENT ON A LOAN APPLICATION

NAME: Mr. Miller

Applicant, Mr. Miller, pleaded guilty to making a false statement on a loan application to a federal credit union. At the time of his loan application, Miller stated his total indebtedness as \$77,500. That same month he was granted an unsecured loan for \$3,456. Miller subsequently filed for bankruptcy at which time it was discovered that his total indebtedness considerably exceeded the amount stated in his application. As a result, he was committed to the custody of the attorney general for 18 months, with the first 60 days to be served in a jail-type or treatment institution. The remainder of the sentence was suspended and Miller was placed on three years probation. On February 19, 1986, Miller was granted an early release from probation. Other arrests included gambling and driving under the influence. In addition, in 1980 Miller was charged with false claims against the government. Miller charged that the government owed his company, [deleted] Command, \$9,500 for illustration services. The government claimed that it owed only \$6,000 and that Miller therefore attempted to collect \$3,500 in fraudulent claims. No loss occurred to the government since the claim was not honored, and a pre-trial diversion was granted. Relief was sought so that the applicant could go hunting.

43) FALSE STATEMENT--FALSE STATEMENT TO A GOVERNMENT AGENCY

Applicant pleaded guilty to the offense of false statement to a government agency. Applicant had filed a false report with the Department of Agriculture concerning the collection of blood samples from a herd of pregnant dairy cattle being exported to Taiwan. The cattle were supposed to be tested every 30 days while awaiting transport. After 30 days, instead of retesting the cattle, the applicant, a veterinarian, submitted one of the previously taken blood samples. He stated that he had done this for humanitarian purposes, arguing that a retest of the cattle could have jeopardized their health. Relief was sought for sporting purposes.

44) FALSE STATEMENT--MISPRISION OF A FELONY

Applicant stated that he had been caught up in the problems experienced by his father's business and denied having any part in what was an apparent arson incident. Applicant stated that he pleaded guilty to the charge to avoid testifying against his father in court.

45) FALSE STATEMENT--PERJURY

Applicant perjured herself before a grand jury during an FBI investigation into vote buying. Applicant was sentenced to one year confinement and fined \$50. The sentence was later reduced to time served. During her grand jury testimony, the applicant denied ever receiving \$2,500 from a former sheriff to give to a chief deputy to buy votes. After her conviction, the applicant had to give up a 12 gauge shotgun that had been her father's. Relief was sought so that she could have the shotgun returned to her residence.

46) FIREARMS VIOLATION--DEALING IN EXPLOSIVES WITHOUT A LICENSE

NAME: Bobbie Sherrell Holaway

Bobbie Sherrell Holaway of Decatur, Alabama was convicted of dealing in explosives without a license. He had sold 35 cases of Class C fireworks (M-80s) to an out-of-state resident from either Georgia or South Carolina. Holaway was also charged with improperly storing the explosives in trailers. He was convicted, given a suspended sentence, and placed on probation for three years and fined \$1,000. Other past arrests included: working on a still; and carrying a pistol without a permit, for which he was fined \$49.00. Relief was sought so that the applicant could go hunting. Both the special agent and resident agent felt that relief should be granted. The special agent in charge of the investigation urged that relief not be granted, stating that Holaway "is a recidivist who has been released from supervision for less than two years. While the offenses for which he was previously convicted were not of [a] violent nature sufficient time has not elapsed to allow a precedent determination that [Holaway] has been rehabilitated." Relief was eventually granted.

47) FIREARMS VIOLATION--FEDERAL FIREARMS LICENSE (FFL) VIOLATION

Applicant, a Federal Firearms Licensee, pleaded guilty to violating federal firearms law by making a false entry in a dealer firearms record book. Applicant was sentenced to one year imprisonment, suspended except for 15 days. He was placed on probation for a period of three years. Applicant stated that several subjects had requested that he obtain guns for them illegally. When he refused to comply with their request, they threatened to harm his girlfriend and parents. To protect his girlfriend and family, he filed a false report with police stating that his business had been broken

into and that the firearms had been stolen.

48) FIREARMS VIOLATION--FEDERAL FIREARMS LICENSE (FFL) VIOLATION

BUSINESS NAME: Camco, Inc. doing business as Cameo Loan Co.

Applicant was an apparent Federal Firearms Licensee and principal owner of Camco, Inc., doing business as Cameo Loan Company, 190 N. Center Street, Reno, Nevada. On February 2, 1971, Camco was indicted by the federal grand jury in Reno, Nevada and was charged with 12 counts of violating federal gun control laws, including selling to out-of-state residents and making false entries in FFL records. The indictment alleged that between January 20, 1970 and June 6, 1970 Camco knowingly sold or transferred firearms to transferees known to them to reside in a state other than Nevada and subsequently made false entries in records required to be kept by firearms dealers licensed in accordance with the Gun Control Act of 1968. On January 26, 1973, the Federal District Court, Reno, Nevada, convicted Camco for Title 18 violations and levied a \$2,500 fine.

49) FIREARMS VIOLATION--ILLEGAL POSSESSION OF A HANDGUN

Applicant had been stopped by a trooper for speeding. The trooper obtained a signed consent search for the applicant's car when he observed the applicant put something under the car seat. The trooper found an AMT .380 caliber pistol, which the applicant did not have a carry permit for. Applicant was convicted and paid a \$200 fine. In a separate incident, the applicant had been charged with breach of peace, disorderly conduct, interfering with a police officer and assault on a police officer. The charges were dismissed.

50) FIREARMS VIOLATION--ILLEGAL POSSESSION OF A HANDGUN

Applicant sought relief from convictions of concealed deadly weapon, unregistered gun, possession of ammunition, and solicitation for lewd purposes. A criminal history check revealed that the applicant had pleaded guilty to the concealed weapon charge and been given a suspended sentence and that the other charges had been dismissed. The weapons charge, under the state law which the applicant had been convicted, was considered a misdemeanor. The applicant was therefore not prohibited from possessing a firearm and the investigation was discontinued.

51) FIREARMS VIOLATION--ILLEGAL SALE OF AN NFA WEAPON, MACHINE GUN

NAME: Sherman Dale Williams

Applicant, 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 that 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 Bureau of Alcohol, Tobacco and Firearms (ATF) agents for a total of \$500. A federal search warrant was served and three more unregistered machine guns and five improvised destructive devices were recovered from his home. In interviewing his neighbors, one, who had known Williams for 15 years, said that he was "the type of neighbor that always keeps 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 he felt this way. Another neighbor, who had known the Williams for 12 years stated that he did not like the applicant and that he had a

reputation as a crook. He 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 that kept to himself. She stated that she was unable to comment further on him and added "that she preferred...if he were allowed to own firearms, [that the applicant] did it somewhere else and not in her neighborhood." The investigating agent noted that, "She was unable to express why she felt this way." Additional information obtained during the investigation revealed that in 1977 Williams had possessed and sold a 22 caliber 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 by the investigating agent, 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 that, "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."

52) FIREARMS VIOLATION--ILLEGAL SALE OF AN NFA WEAPON, MACHINE GUN

Applicant had owned a 7.65 caliber Astra broom handle automatic pistol for 11 to 12 years. Applicant told a friend that he wished to sell the firearm. The friend brought an ATF agent to purchase the gun and the applicant was charged with a firearms violation. Applicant's unstated probationary period ended in 1985. Restoration was sought for sporting purposes.

53) FIREARMS VIOLATION--ILLEGAL SALE OF AN NFA WEAPON, SHORT-BARRELED SHOTGUN

Applicant's conviction arose from an ATF undercover investigation in which the applicant manufactured and sold a short-barreled shotgun to an undercover agent. Applicant sold an additional 14 firearms to an ATF Special Employee. As a result of these sales, applicant was charged with dealing in firearms without a license as well as the illegal manufacture and transfer of a short-barreled shotgun. Applicant entered a plea of guilty and was sentenced to two years. The sentence was suspended and he was placed on probation for a period of five years. Previous arrests included assault and battery for which he paid a \$100 fine and a liquor violation. The investigating agent noted that the applicant "expressed a deep desire to have his privileges considered because, 'as an American' he feels he should have a 'right to bear arms.'"

54) GAME LAW VIOLATION

Applicant pleaded guilty to conspiracy to receive and transport in interstate commerce an illegally taken Big Horn sheep and received five years imprisonment, with all but 90 days suspended. Applicant was placed on probation for five years, was required to perform 500 hours of community service, pay restitution of \$16,000, and was fined \$10,000. Applicant was released from probation in September 1988. Applicant was a licensed guide and outfitter who booked undercover U.S. Fish and Wildlife agents on a hunting trip where a Big Horn sheep was illegally shot and killed. Application for relief was made so that while applicant was acting as a guide in remote areas he could protect his clients from bear attack and be able to dispose of seriously

wounded animals.

55) GAME LAW VIOLATION

Applicant was convicted of knowingly importing, transporting, selling, and purchasing in interstate and foreign commerce the antlers of a white tail deer having a value in excess of \$5,000; and knowing the same to be possessed, transported, and sold in violation of a foreign law. The applicant was involved in a conspiracy with two others to obtain a set of Sonmor deer horns. A co-conspirator burglarized a taxidermy store apparently in a foreign country and stole a pair of Sonmor deer horns. They were then imported to the United States, where the other co-conspirators killed a deer and concealed the carcass for the purpose of substituting the Sonmor antlers for the deer's real antlers so that the applicant could later claim that he killed the deer and qualify the Sonmor antlers as a record set of antlers in the Boone and Crockett club (a sporting club) records. In furtherance of the conspiracy, a co-conspirator made false and fraudulent representation to agents of the U.S. Customs Service at the port of entry, claiming that the antlers had been removed from a deer killed in a region that would have allowed them to be brought into the United States. The applicant was sentenced to three years imprisonment, execution of the sentence was suspended and the applicant was placed on supervised probation for a period of five years. He also was ordered to perform 500 hours of community service and pay a fine of \$20,000. He was discharged from probation on March 1, 1989. Relief was sought because the applicant's neighborhood had been burglarized in the past.

56) HOMICIDE--DRINKING AND DRIVING

Applicant was convicted of homicide by negligent use of a motor vehicle, and was sentenced to a term of three years probation; 60 days in county jail with work privileges; fined \$500; and required to serve 100 hours of community service. The applicant had been turning into the parking lot of the Out of Town Tavern when he made a sudden stop to avoid hitting another vehicle exiting the lot. The operator of a motorcycle ran into the rear of the applicant's car and was thrown 30 feet from the point of impact and suffered fatal head injuries. The motorcyclist wore no helmet. The applicant, with a .20 alcohol content level, was cited for Driving Under the Influence and later charged with Negligent Homicide. Relief was sought so that the applicant could go hunting.

57) 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.

58) 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.

59) 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.

60) ILLEGAL CAMPAIGN CONTRIBUTIONS
BUSINESS NAME: Northrop Corporation

Application was filed on behalf of Northrop Corporation. In 1974 Northrop entered a plea of guilty to the charge of illegal campaign contributions and was ordered to pay a fine of \$5,000. At the time of the relief investigation, a division of Northrop was facing a 167 count indictment charging it and five of its officers with false statement and causing an act to be done. Northrop, a major defense contractor, is required to use firearms and explosives in its course of business. The restoration was sought so that they could continue to obtain firearms and explosives licenses and permits.

61) ROBBERY--ARMED ROBBERY (WITH A HANDGUN)

Applicant served a term of 18 months for armed robbery in the second degree. He was released after one year, and placed on probation for a period of one year which was completed in January 1980. Applicant had robbed a clerk at a K-Mart department store of \$5,740 using a loaded 38 caliber revolver. Restoration was sought so that the applicant could go hunting.

62) ROBBERY--ROBBERY (WITH AN IRON BAR)

Applicant and two other individuals attacked a service station attendant, beating him with an iron bar. They stole approximately \$70 and fled the scene. Applicant was later convicted of grand theft, person and sentenced to prison. Applicant sought relief so that he could hunt and target practice.

63) ROBBERY--ROBBERY (WITH A BUTCHER KNIFE)

Applicant was returning from a party when he decided to rob a U-Totum convenience store. He first went home to pick up a ski mask, gloves, coveralls, and butcher knife. He waited until everyone left the store and then went inside and told the clerk to get on the floor. He escaped with \$77. Two weeks later police came to the applicant's residence and arrested him. He was found guilty in a jury trial and sentenced to 10 years in prison. He remained incarcerated for 10 months and was placed on five years probation. Relief was sought so that applicant could go hunting.

64) ROBBERY--ROBBERY (WITH A METAL PIPE)

Applicant pleaded guilty to a charge of robbery and was sentenced to 11 and a half months confinement in the state prison and five years probation. Applicant was released on final probation in March 1985. Applicant had entered a convenience store and robbed the store operator of \$215, three blank money orders, and \$19 of gasoline. Applicant used a metal pipe to intimidate the store clerk.

65) ROBBERY--ROBBERY, RECEIVING STOLEN PROPERTY

Applicant was convicted of unarmed robbery and was sentenced to a minimum of 18 months and a maximum of 15 years. Applicant had gone along with some friends to help push a car that didn't have a reverse gear. Until the robbery occurred he had no idea that it was going to happen. He stated that he was only 17 years old and that the judge and his father agreed to the punishment. Applicant had also been convicted of receiving stolen property and was sentenced to three years probation and to pay restitution in the amount of \$189.28. Applicant had purchased a stove from a fellow employee that he said he did not know was stolen. Relief was sought so that the applicant could take part in handgun competitions.

66) 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 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 count 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."

67) SEXUAL ASSAULT--RAPE AND SODOMY

Applicant was found guilty by a jury trial of one count of rape in the first degree and one count of sodomy in the first degree. He received 10 years on each count, to be served concurrently. The applicant served approximately 24 months and was granted parole. The applicant, while drunk,

had raped and sodomized a woman who had been baby-sitting for a friend of the applicant. Relief was sought so that the applicant could go hunting.

68) SEXUAL ASSAULT--SECOND DEGREE SEXUAL ASSAULT

Applicant was convicted of second degree sexual assault and sentenced to a term of three years probation. Applicant had been at his residence with his wife. He had been drinking heavily and left his home and walked several blocks until he encountered a lone adult female walking toward him. The applicant then made a suggestive remark to the woman, who turned to walk in the opposite direction. At this point, the applicant knocked the woman to the ground, tore open her blouse and began to fondle her breast. The victim screamed and the applicant struck her several times before running away. Other arrests included: possession of a stolen motor vehicle and unauthorized use of a motor vehicle (subsequently released without charge); resisting an officer; obstructing justice; and disorderly conduct. Applicant sought relief so that he could go hunting.

69) SEXUAL ASSAULT--SEXUAL ABUSE OF A CHILD

The applicant, 34 years old in 1989, was arrested pursuant to 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 facts of the case, as determined by the local police department, were found 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."

70) SEXUAL ASSAULT--SEXUAL ABUSE OF A CHILD

Applicant's stepdaughter reported that she had been the victim of sexual abuse by the applicant. Applicant was arrested and pleaded guilty to the felony crime of indecent liberties. Applicant completed one year of psychotherapy, was sentenced to five years probation, and was fined \$97. Relief was sought so that the applicant could go hunting.

71) TAX EVASION

Applicant pleaded guilty to willfully and knowingly attempting to evade income tax due by filing a false tax return. He was sentenced to two years probation. Total amount of income not claimed totaled approximately \$83,500. Applicant stated that he had used the money to fund a search for his grandchildren who had been stolen by his former daughter-in-law. The applicant, a 20-year ex-police officer who retired in 1970, ran a private security firm and sought relief so that he could possess a firearm in his occupation and also be able to train his employees in the handling of firearms. He also sought relief for hunting. One developed character reference--who like many others requested that his comments remain confidential--noted that when he had considered buying the applicant's business it "did not pass the smell test." He noted that the applicant provided poor training to his employees and talked of his ties to the police department and local political establishment. A former employee told of the applicant's son threatening him and grabbing him

around the neck. The applicant, he said, "has a temper and is not to be trusted." He noted that the applicant's business practices included: false wage scales on contracts; business trips that were family outings; and changing receipt amounts for parking, motels, telephone, etc. He also noted that a second set of books was maintained. Another confidential interviewee noted that the applicant had changed the private investigation license from his own name to his wife's just prior to the federal court proceedings because he knew that as a convicted felon he could not possess the license. He stated that the applicant bragged of the license change just prior to conviction. As to the use of business funds to search for the grandchildren, he noted that he "had never heard the grandchildren story." Even though it had only been a year since the applicant's probation had ended, relief was granted.

72) TAX EVASION

Applicant pleaded guilty in federal court to one count of tax evasion and was sentenced to six months probation, a \$1,000 fine, and court costs. Applicant had shown on his return that income had gone to his children when in fact it had gone to him.

73) TAX EVASION

Applicant pleaded guilty to one count of knowingly filing a false and fraudulent income tax return and one count of willfully causing a financial institution to file a false currency transaction report. Applicant served six months in prison and three years probation. Applicant's ex-wife was an alcoholic who was spending a great deal of his money, so he began to hide it. After his divorce his attorney advised him to turn himself in to the IRS. Relief was sought as hunting was the applicant's "only real hobby."

74) TAX EVASION

Applicant failed to report \$300,000 in income from his timber business for the years 1977-1979. Applicant pleaded guilty to attempted tax evasion, was ordered to serve 30 days confinement, and was placed on five years probation. In addition, applicant was ordered to pay \$45,000 plus penalties and interest in restitution. Relief was sought so that the applicant could go hunting.

75) TAX EVASION

Applicant had been a restaurant maitre d' for 21 years and had not declared all of his tips as income for the years 1975-1977 on his tax returns. He pleaded guilty to willfully subscribing a false income tax return and was sentenced to two years probation. Relief was sought so that applicant could resume skeet and trap shooting.

76) TAX EVASION

Applicant was investigated for failing to report \$194,000 in income for a three-year period and was charged with three counts of making and subscribing a false tax return. The applicant had used the money to pay off a house and an airplane. In a plea agreement the applicant pleaded guilty to making and filing a false return for a single year, failing to report approximately \$30,000. Applicant received one year probation and was required to maintain accurate business records and

file income tax returns in a timely manner. Applicant had a sporting goods store and prior to his conviction had sold firearms as a Federal Firearms Licensee (FFL). Applicant sought relief so that he could once again sell firearms and hunt.

77) TAX EVASION

Applicant filed a personal income tax form in which he understated his income for the year. He pleaded guilty to the charge of filing a false income tax return and was sentenced to one weekend of confinement, five years probation, and fined \$5,000. Applicant had previously been arrested for Driving Under the Influence and Speeding. Relief was sought so that applicant could involve himself in the overall management of his two pawn shops.

78) TAX EVASION

Applicant pleaded guilty to filing a false income tax return. At trial he was found guilty, paid a \$5,000 fine, served four and one half months in prison, and completed three years probation. Applicant sought relief so that he could legally possess a firearm in order to protect his ginseng gardens and other crops from rodents.

79) THEFT

Applicant stole approximately \$100 worth of soap powder from the shipping dock at which he was employed. The soap powder consisted of 11 boxes that were left over from a shipment. Applicant pleaded guilty to theft of property, second degree, and was placed on two years probation. Relief was sought so that the applicant could legally purchase and possess firearms which he intended to maintain at his residence.

80) THEFT

Applicant was convicted of theft and was sentenced to 18 months probation. The applicant and a second defendant stole two snowmobiles valued at approximately \$4,500 from a private residence. Relief was sought for sporting purposes.

81) THEFT--AUTO

Applicant pleaded guilty to theft in the second degree and was sentenced to five years imprisonment. The sentence ran concurrent with a five year sentence for auto theft. Relief was sought because applicant wanted to take his son hunting in the future.

82) THEFT--CONSPIRACY TO TRANSPORT STOLEN PROPERTY ACROSS STATE LINES

Applicant was found guilty by jury trial of one count of conspiracy to transport stolen property over \$5,000 in value, and one count of transporting stolen property across state lines. Applicant was sentenced to four years in prison and served 16 months, eventually being granted parole.

83) THEFT--EMBEZZLEMENT

Applicant was convicted of embezzlement and sentenced to two years probation. While being a duly elected official applicant embezzled \$518.85 from funds received under the Comprehensive Employment and Training Act of 1973. Applicant sought relief so that he could go hunting.

84) THEFT--FRAUD

Applicant, a county commissioner, pleaded guilty to one count of conspiracy to defraud the United States and was eventually placed on parole. As county commissioner, the applicant had accepted free lunches and Christmas gifts from various individuals. According to the applicant, he had never taken any large sums of money. Relief was sought so that he could go hunting.

85) THEFT--FRAUD

Applicant entered a plea of guilty to one count of a three count indictment. The count charged the applicant with false, fictitious or fraudulent claims against the U.S. government and aiding and abetting. The court suspended imposition of sentence and the applicant received three years probation, from which he received an early release. The felony conviction was the result of an FBI inquiry into bribery and fictitious claims by government contractors and officials. The investigation resulted in the indictment of 24 defendants, including the applicant. Applicant had supplied \$290 worth of unspecified products or services to an unnamed individual that were billed to the U.S. Navy. The report noted that "While defrauding of the taxpayers' money is serious, [the] crime involved approximately \$290 rather than [sic] the millions or the billions of dollars in fraud uncovered almost daily."

86) THEFT--GRAND LARCENY

Applicant was convicted of grand larceny of a cow. He was sentenced to prison for four years (suspended), and was placed on probation for four years. Relief was sought so that applicant could "hunt deer and small game to supplement his meager salary; so that he can begin the elimination of farm pests, i.e. ground hogs, etc."

87) THEFT--GRAND LARCENY

NAME: Mr. Peach

Mr. Peach's conviction stemmed from the theft of an air conditioner from his work place. Applicant stated that "out of courtesy" he helped a co-worker load an air conditioner into a pick-up truck. He had thought it was a job-related activity and did not realize that the air conditioner was being stolen. Peach pleaded guilty to attempting to commit a felony, grand larceny, and was sentenced to serve not less than one year and not more than one year at the state penitentiary. The sentence was suspended and Peach was placed on one year probation. Peach sought relief so that he could carry a firearm for hunting purposes.

88) THEFT--GRAND LARCENY

Applicant was convicted of grand larceny and sentenced to a term of three and a half years. Applicant stated that his conviction was the result of charges being filed by the insurance company for which he worked. Applicant had been selling insurance for the company but had failed to make payments to the company. The dollar amount was only \$100 although the applicant admitted that he had owed them much more. Applicant served one year in prison and 13 months parole. Relief was sought 15 years after the conviction. Applicant sought relief so that he could go hunting with his two wards and for home protection.

89) THEFT--MAIL FRAUD AND CONSPIRACY

NAME: Robert C. Wilson

Robert C. Wilson was convicted of conspiracy to attempt to defraud the U.S. government as the result of false insurance claims he submitted in regard to property that had been flooded. He was sentenced to two years probation. Relief was sought so that the applicant could go hunting and for sporting purposes.

90) THEFT--MISAPPLICATION OF FUNDS AND MAKING FALSE STATEMENTS

Applicant misapplied bank funds by issuing letters of credit and making false statements for the purpose of influencing the actions of the bank. Applicant pledged as collateral for a \$50,000 loan stock certificates representing 4,800 shares of stock in the bank. These stock certificates were issued without authorization. Applicant pleaded guilty to three counts of misapplication of funds and making false statements on applications to insured banks. Applicant was sentenced to five years each on three counts to run concurrently. He was incarcerated for six months and given four and a half years probation. He was also ordered to pay a fine of \$5,000 on all three counts and restitution not to exceed \$60,000.

91) THEFT--PRESENTATION OF A PAYMENT FOR CLAIM AGAINST THE UNITED STATES WHICH WAS KNOWN TO BE FALSE, FICTITIOUS, OR FRAUDULENT

Over a two-year period the applicant, an employee of the U.S. Corp of Engineers, filed fraudulent claims (travel vouchers) for reimbursement. Applicant was placed on probation for two years and was ordered to pay restitution in the amount of \$4,250. At the time of application applicant was 55 years old, had suffered a stroke, and had considerable health problems. The applicant, an avid hunter, had been seeking restoration of his firearms privileges since 1984. He felt there would "be some therapeutic effect for his health in allowing him to have a firearm and pursue outdoor recreational activities."

92) THEFT--RACKETEERING, HOBBS ACT VIOLATIONS, MAIL FRAUD

Applicant was found guilty by jury trial of one count of racketeering, six counts of Hobbs Act violations, and 13 counts of mail fraud. He was sentenced to three years imprisonment which the court then reduced to 24 months. Applicant served approximately nine months and was released on probation. Applicant had knowingly violated state liquor laws regarding disbursement of alcohol, illegally solicited campaign contributions from various distilleries, and mailed fictitious inventory control documents to distilleries for tax write-offs.

93) THEFT--RECEIVING STOLEN PROPERTY

Applicant pleaded guilty to one count of receiving and concealing stolen property. Applicant had pawned a stolen camera lens. Applicant stated that he had pawned the lens for another individual and had received two dollars for this act. He stated that he had not known that the lens was stolen. Other arrests included trespassing on school grounds (nolle prossed) and possession of marijuana for personal use. Regarding the drug charge, applicant stated that he and his wife had used marijuana and that he had sold a bag of marijuana for \$15, resulting in the police searching his home and finding a small quantity of marijuana. He had pleaded guilty and was fined \$200. Applicant sought restoration so that he could go hunting.

94) THEFT--THEFT AND POSSESSION OF STOLEN MAIL

NAME: Thomas Grant

Thomas Grant had been a mailman for 11 years. Over a period of several months he stole several cash machine cards, their access codes, and made unauthorized withdrawals from bank accounts. He stated that he had not done this because he needed the money, but because it seemed "easy" at the time. He pleaded guilty to theft of mail and unlawful possession of stolen mail and was sentenced to 60 days incarceration and five years probation, as well as restitution for all money stolen. He was discharged from probation after two years. During the interview process, the postal inspector charged with commenting on the case stated that he did not believe that any felon should be granted restoration of their firearms privileges and recommended that relief be denied. Relief was sought so that applicant could go hunting.

95) THEFT--THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION

Applicant pleaded guilty to one count of theft by failure to make required disposition. Applicant had sold his interest in an estate settlement to another individual for \$5,000 while the estate was still in litigation. He was placed on one year probation.

96) THEFT--THEFT FROM INTERSTATE SHIPMENT

Applicant and two co-conspirators were stopped by state police. A search of their vehicle produced stolen blue jeans and stereos. Applicant stated that although he knew the two men he was traveling with, he was unaware that the "stuff" they had told him they had to pick up was stolen. Applicant had previously been arrested for possession of marijuana and placed on probation. Relief was sought because applicant enjoyed hunting and wished to once again own hunting rifles.

97) THEFT--TRANSPORT AND SHIP IN INTERSTATE COMMERCE STOLEN GOODS

Applicant pleaded guilty to knowing and willfully conspiring with others to transport and ship in interstate commerce stolen goods. Applicant received a sentence of imprisonment for a period of two years with the stipulation that he be confined in a jail-type or treatment institution for a period of three months. The remainder of the sentence was suspended and the defendant was placed on probation for a period of five years. The applicant was also ordered to jointly pay \$54,155 in restitution with his co-defendants.

98) THEFT--UNAUTHORIZED ACQUISITION OF FOOD STAMPS

Applicant pleaded guilty to an unspecified food stamp abuse and was sentenced to one year in jail (suspended). He spent four weeks in the county jail and served two years on supervised probation. Applicant stated that he committed his crime when he was going through a financial crisis in his life and was looking for an easy way to solve some of his problems. He bought and used the food stamps as a means of stretching his available income. Relief was sought so that the applicant could go hunting.

99) THEFT--UNAUTHORIZED ACQUISITION OF FOOD STAMPS

Applicant pleaded guilty to one count of unauthorized acquisition of food stamps and was sentenced to six months imprisonment (suspended) and fined \$5,000. Applicant was placed on probation for two years. Applicant stated that people would come to him stating that they needed money for one reason or another and that he would give them money for the food stamps they brought in. Applicant, who owned a fish market, was noted by the investigating agent "to have a demonstrable need to have access to and carry firearms during the course of employment." Applicant's fish market was located in an area "known for its narcotics trafficking by armed narcotics dealers." In urging approval, the investigating agent noted that applicant "must be doing something right to be able to maintain a business in this type of neighborhood...."

100) THEFT--UNAUTHORIZED ACQUISITION OF FOOD STAMPS

Applicant pleaded guilty to a violation of the Food Stamp Act and was sentenced to serve three years of supervised probation. Applicant committed the crime while working at his place of business, a pawn shop. An undercover government agent came in dressed in shabby clothes and asked the applicant to let him have a bracelet for his wife in exchange for some food stamps. The applicant "felt sorry" for the man and gave him the bracelet for the food stamps. Applicant stated that after the first transaction his greed caused him to continue to obtain food stamps from the agent. Applicant sought relief so that he could legally buy and possess firearms for sporting purposes.