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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

September 14, 2005

The Honorable Carl J. Truscott, Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
U.S. Department of Justice  
650 Massachusetts Ave., N.W.  
Washington, D.C. 20226

Dear Director Truscott:

As you know, the Committee on the Judiciary has oversight responsibility for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Recently, there have been public reports relating to ATF's enforcement policies and practices relating to gun shows and National Instant Check System (NICS) background investigations.

In particular, public reports indicate that ATF has implemented new enforcement policies and practices at gun shows by establishing command centers consisting of a large number of agents at lawful gun shows. For example, at a recent gun show held at the Richmond International Raceway and Fairground Complex located outside Richmond, Virginia, public reports indicate there was a large law enforcement presence of ATF agents and local law enforcement officers. Such a large presence, including establishing a command center operation, appears to be a departure from past enforcement practices, and it is alleged that ATF has conducted similar large-scale operations at other gun shows.

The Committee also has learned of claims that ATF attempted to verify potential purchasers' home addresses during mandated National Instant Check System (NICS) background investigations. According to these reports, ATF coordinated with local police officers to conduct visits at the homes of applicants and their neighbors, and in some cases may have informed neighbors that the applicant was purchasing a firearm. In addition, one individual has alleged that an ATF agent incorrectly informed the individual that he was prohibited from selling his personal firearms because he was not licensed as a federal firearms dealer. While not all Members of the Committee would agree to what extent laws should regulate gun shows, there is unanimous support for the proper enforcement of the existing law.

To assist the Committee on its oversight efforts, please respond to the following questions by 5:00 p.m. on October 7, 2005.

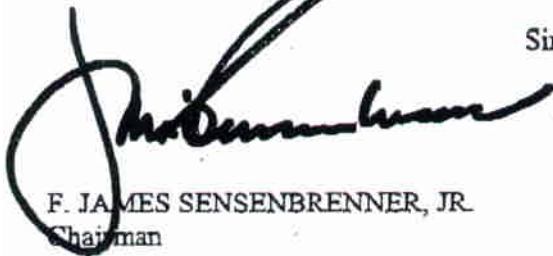
- 1) Please address the veracity of the allegations detailed in this letter.
- 2) Please explain ATF's enforcement policies and practices at gun shows. Has there been any change in policies and practices in enforcement efforts at gun shows? Do such policies and practices include establishing command centers at gun shows? If so, please explain why ATF conducts such operations.

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- 3) Does ATF regularly conduct large-scale enforcement operations at gun shows? Does ATF plan to continue to conduct such operations at gun shows?
- 4) What training programs, if any, are conducted for ATF agents with respect to enforcement policies and practices at gun shows? Have there been any changes in any training programs?
- 5) With respect to the NICS background investigations, please explain ATF's specific policies and practices for conducting such investigations? What criteria are applied, if any, in determining when and how to conduct such investigations?
- 6) Please detail the coordination with local police and the specific instructions that are given on how to conduct such interviews? Do such policies and practices include interviews and contacts with third parties (e.g. neighbors, co-workers)? If so, please explain ATF's authority to sanction such interviews and why such interviews are needed.
- 7) Please detail ATF's policies and practices for ensuring that ATF agents accurately explain federal laws and regulations governing firearms possession and sales. Does ATF take the position that an individual needs a federal firearms license to sell a personal firearm at a gun show? If so, please cite the authority for such a statement. Is this a policy that is being communicated to ATF agents?
- 8) If an ATF agent misstates the law to an individual, what efforts, if any, are made to correct such a misstatement? How will ATF address this incident to ensure that this particular agent or any other agent does not prevent American citizens from lawfully exercising their rights in the future?

If you have any questions, please contact Mindy Barry or Katy Crooks at (202) 225-3951. Thank you for your prompt attention to this matter.

Sincerely,



F. JAMES SENSENBRENNER, JR.  
Chairman



ROBERT C. SCOTT  
Ranking Minority Member  
Subcommittee on Crime, Terrorism,  
and Homeland Security