# TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS FOR FISCAL YEAR 2000

## HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

# COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON THE TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

#### JIM KOLBE, Arizona, Chairman

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NOTE: Under Committee Rules, Mr. Young, as Chairman of the Full Committee, and Mr. Obey, as Ranking Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

> MICHELLE MRDEZA, BOB SCHMIDT, JEFF ASHFORD, and TAMMY HUGHES, Staff Assistants

#### PART 5

# STATEMENTS OF MEMBERS OF CONGRESS AND OTHER INTERESTED INDIVIDUALS AND ORGANIZATIONS



U.S. GOVERNMENT PRINTING OFFICE

56-144

WASHINGTON: 1999

For sale by the U.S. Government Printing Office Superintendent of Documents, Congressional Sales Office, Washington, DC 20402 ISBN 0-16-058375-6

## Capt. Monty Mendenhall

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March 3, 1999

The Honorable Jim Kolbe
Chairman Subcommittee on Treasury, Postal Service
and General Government
House of Representatives
205 Cannon House Office Building
Washington, D.C. 20548

Dear Chairman Kolbe.

Please allow me to introduce myself. I am fifty-five years old and have been employed as a pilot by United Air Lines since 1966. Currently, I am based in Chicago and flying Boeing 777s to Europe.

I enjoy collecting and writing about firearms. At last count, thirty-nine of my firearm related articles have been published in national magazines. Three more have been accepted for future publication.

I began collecting firearms that are regulated by the 1934 National Firearms Act in 1978. My collection of them now exceeds 60 pieces. All of them are registered, as required by law, with the Bureau of Alcohol, Tobacco and Firearms (BATF). For added Security, the majority of these firearms are stored in large safe deposit boxes at a local bank. For my own piece of mind, the original registration documents are stored there also. I only keep photocopies of these documents at home.

About a year ago, I needed to have a registered machine gun repaired. I applied to the BATF, using a Form 5, for permission to temporarily transfer it to a licensed manufacturer who could make the repair. The BATF refused to grant permission and stated that my machine gun was not listed in the National Firearms Registration and Transfer Record.

This was a frightening experience. The possession of an unregistered machine gun is a felony. The only agency that can

authorize me to legally possess one is the BATF. Fortunately, as I stated, I store my original BATF-approved transfer documents in a local bank's safe deposit box. I copied the original document and sent it to the BATF along with another Form 5. The BATF approved the second Form 5 with no comment.

I am frightened by the prospect of what might have happened if I had stored the original registration document in a less secure location and it had been lost or destroyed in a natural disaster or fire. If I had lost my registration document and the BATF did not have a copy of it in its records, I would have had no means of proving that I was the lawful owner. I could have been put in jail for up to 10 years and fined up to \$10,000. In addition to forfeiting the gun that was in question, a felony conviction would have caused me to lose the job that I have held for thirty-three years and to lose the rest of my valuable firearm collection as well.

Let me preface the following statement with this one: I have always had a very good relationship with the BATF. The BATF employees that I have dealt with have always been both courteous and helpful.

Knowing though, the serious consequences of making an innocent mistake through ignorance of the law, on numerous occasions I have sent letters to various departments of the BATF asking for guidance on specific matters. A BATF representative has always replied to these letters, often promptly, with the information that I requested.

The BATF representatives, who have answered my letters, have always been very patient with my requests. Most of my questions must have seemed very naïve to a person who deals with these things on a daily basis.

Despite my personal good experiences with the BATF, this recent incident left me shaken. I was frightened because I know of many incidents when a small group of BATF agents have overreacted to a situation.

My recent experience is good evidence that the BATF's registry is flawed. Each time an NFA weapon's ownership is transferred, two original copies of the transfer document have to be sent to the BATF. Only after the BATF approves the transfer, by approving each document and entering the data into the registry, is the other original document sent to the lawful owner. It is that document that makes it legal to possess the firearm.

The fact that both this approved document, and a record of it, were missing from BATF's records indicates a very serious problem.

I can not help but wonder if some innocent people have been unjustly prosecuted because of errors in the National Firearms Registration and Transfer Record

In this case, the outcome was good. The great majority of the BATF's employees are quite capable and want to do the right thing. In my incident, they corrected their records when I supplied a copy of my original registration document.

I have enclosed a copy of the Form 5 rejection that the BATF sent me. You will note that it has a square to check for "Firearm not shown registered to applicant." There must be numerous other unreported instances of this, since the BATF has found it necessary to create a space to note it on an official form.

These mistakes are like land mines. They are buried there awaiting some innocent, unwary person who may have lost his or her registration document. Mr. Chairman, I hope that you and the Subcommittee will look into this problem and encourage the BATF correct their firearm registration records.

Best regards,

Captain Monty Wenderball

### U.S. Department of Treasury Bureau of Alcohol. Tobacco and Firearms

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Applicant: Mont Comos Mendon Bate: MAY 18 1998
Kansonillo, NC
The enclosed application(s) is/are being returned to you for the following reason(s):
□ Application submitted on incorrect form, resubmit on ATF Forms
Application not submitted in duplicate.
□ Application not submitted in quadrupi(cate.
☐ Application is illegible or in an unprocessable condition.
No affidavit on file permitting facsimile submissions of ATF Forms 2, 3, 5, and 9.
□ Original forms required for this type of transaction.
□ Original signatures required on both forms.
□ Incomplete transferec information: see item(s)#
□ Incomplete transferor information: see item(s)#
□ Incomplete firearm description: see item(s)#
Firearm description varies with our records: see item(s)#
□ Transferee's trade name varies with our records.
☐ Transferree's name/address on application, tax stamp, and/or license do not match.
☐ Transferee's Federal firearms license invalid: ☐ number incorrect ☐ FFL expired.
☐ Transferee's employer identification number invalid: ☐ number incorrect ☐ SOT not paid.
C Transferor's trade name varies with our records.
Transferor's name/address on application, tax stamp, and license are not all the same.
O Transferor's Federal firearms license invalid: O number incorrect O license expired.
□ Transferor's employer identification number invalid: □ number incorrect □ SOT not paid.
Proof of ownership required. Firearm not shown registered to applicant.
D Proof of executorship/death certificate required.
O Proof (Articles) of corporation required.
C State permit required.
Law letter required. Firearm restricted pursuant to 18 USC 922(0), Title 27 CFR 179.105(d).
© Repair description letter required.
O Void letter required confirming that transferee has never taken possession of firearm.
O Bill of lading required.
C Importation parmit (ATF Form 6) required.
□ Interstate transfer of firearms are prohibited to non-licensees.
Firearm prohibited in jurisdiction of transferer's residence.
Firearm prohibited in jurisdiction to be transported.
© Date(s) of move/transport must be given prior to application approval.
C Transfer tax required for this type of transaction, please remit C \$200 C \$5 COther
C Transferee's photograph must be attached to back of each form.
C Applicant certification invalid/incomplete.
Law enforcement certification invalid/incomplete.

DEPARTMENT OF THE THEASURY BUREAU OF ALCOHOL, TOBACCO AND PRESARMS					SEE INSTRUCTIONS ATTACHED. TO BE SUBMITTED IN DUPLICANE TO: Nebenal Freems Act Branch Bunesu of Aleahel, Tobacco and					
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#### CERTIFICATIONS



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2. AP	PLICANT CERTIFICATION
Mont Lamar Mendenhall	, have a responsible necessity to presses the device or
(Name of Transferes)	I collect unusual weapons.
weapon described on this application for the following resontal ,	T COTTON MINORAL WEAPONS.
Mont Loren Mallo (Signature of Transferos or official authorized to	a sign for firm)  CERTIFICATION (See IMPORTANT note below)
I certify that I am the chief lew enforcement officer of the organi	lization named below having jurisdiction in the area
of residence of Mont Lamar Mendenhall	. I have no information indicating that the transferse will use the fire
Litchard Hunley (Charico	Sheriff -
Randolph Cty Sheriff Dept	Enforcement Officer — See IMPORTANT note below!
139 N. Cox. St Ashboro, NC 27203	(Deep)
Randolph, Cty	919-629-1590
(County)	(Phone - include area code)

IMPORTANT: The chief litw enforcement officer is considered to be the Chief of Police for the standards of the Sheriff for the standards of the Chief of Police for the standards a State of local dishfift statutery or prosecutor having jurisdiction in the transferent season for endeance; and in the standards attacking or prosecutor having jurisdiction in the transferent season for endeance; or encoder person whose confliction to the Director, Buselow of Alsohol. Tolkson and Finement. If common has specific delegated authority to sign on balant of the Chief of Police, Shariff, etc., this fact must be noted by pricing the Chief's, Shariff, or other softward is name and this, followed by the word "by" and the full disputate and the off the delegated person.

Form Approved CMB No. 1512-0006 (09/30/95) SEE INSTRUCTIONS ATTACHED.
TO BE SUBMITTED IN DUPLICATE
TO: National Finance Act Branch
Bureau of Alcohol, Tocacco and DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS APPLICATION FOR TAX EXEMPT TRANSFER AND RECISTRATION OF A FIREARM Freaths
Washington, DC 20226
TYPE OF TRANSPER: TAX EXEMPT 2a. TRANSFERRY'S NAME AND ADDRESS If transferre is a Special (Occupational) Taxonyer who nel use, in the than se part of his busy in C. INC. is acquiring firearm for person I believe that I am entitled to exemption from the payment of the transfer tax imposed by Section 5811 (28 U.S.C. Chapter 53) on the Brearm described herein for the following reason See Instruction 5): P. O. BOX 121 OWASSO, OK 740 CITE TO E. LONE STAL 74055 TRACE NAME (See instruction 2st Rogers ☐ FIREARM IS UNSERVICEABLE AND IS BEING TRANSFERRED AS A CURIO OR ORNAMENT ISM 2a. TRANSFERDR'S NAME AND MAILING ADDRESS IN finerm is registered under your trade name, enter your trade name. EXECUTORS: See instruction 27.1 Mont Larmar Mendenhall 6691 Wildwood Trail ☐ FIREARM IS BEING TRANSFERRED TO OR FROM A GOVERNMENT ENTITY ISO & 6cl (100 Wildward) Thomasville, NC 27360 TIREARM IS BEING TRANSFERRED TO M OTHER (Specify) Repair Sc. NUMBER, STREET, CITY, STATE AND ZIP CODE OF RESIDENCE IOR PREARMS BUSINESS PREMISES) IF DIFFERENT PROM ITEM 36. 36. IF APPLICABLE: DECEDENT'S NAME, ADDRESS, AND DATE OF DEATH 40. 50. 12. Chy. The above named and underlighed transferor hereby meloss application as required by Section 5812 of the National Pirearms Act to transfer and register the finance described below to the transferos. 4. DESCRIPTION OF FIREARM (Complete Items a through it b. TYPE OF FIREARM (Short-berroled rifle, machine gun, deemucive device, any other weapon, etc.) HK a. NAME AND ADDRESS OF MANUFACTURER AND/OR IMPORTER OF FIREARM C. CALIBER, GAUGE OR SIZE (Speed . OF BARREL: NA Fleming Firearms 7720 E, 1267 ST. N. LENGTH 9 14 14 Machine Gun Sear Collinsville, OK 74021 323 Cal. H0851 I. IS THE FIREARM UNBERVICEABLE AS DEFINED IN INSTRUCTION 62 7 YES 7 NO " (W "No." describe any other method by which frearm her been rendered unsendoseble. Use additional sheets.) N. ADDITIONAL DESCRIPTION OR DATA APPEARING ON 5. TRANSFEREE'S FEDERAL FIREARMS LICENSE IT anyl 6. TRANSFEREE'S SPECIAL IOCCUPATIONAL TAX STATUS (Ghe complete 15-digit nu A. ATP IDENTIFICATION NO. First 6 digits 2 digita 2 digits 5 digits 573072 ; 55986 73-128 7873 07 9 H B. TRANSFEROR'S SPECIAL (OCCUPATIONAL) TAX STATUS 7. TRANSFEROR'S FEDERAL PREARMS LICENSE IN any! a. ATF IDENTIFICATION NO. b. CLASS (Sive complete 15-dig/t number) 5 digits First 6 digits 2 digits 2 digits UNDER PENALTIES OF PERUSEY, I DECLARS that I have examined this application, and to the best of my knowledge and belief it is true complete, and that the transfer of the described fearer to the transferre and receipt and possession of it by the transferre are not prohibited by the Chapter 44, Tible 15, United States Code; Chapter 50, Tible 25, United States Code; or Tible VIII of the Ominibus Clime Control and Sales as amended; or any provisions of State or local law. S. SIGNATURE OF TRANSPEROR (Or authorise 10. NAME AND TITLE OF AUTHORIZED OFFICIAL Most Larmar Mendenhall - Owner 5/5/9 THE SPACE BELOW IS FOR THE USE OF THE BUREAU OF ALCOHOL, TOBACCO AND PIREARMS BY AUTHORITY OF THE DIRECTOR, THIS APPLICATION HAS BEEN EXAMINED, AND THE TRANSPER AND REGISTRATION OF THE REACHED RECIPIED HEREIN AND THE INTERSTATE MOVEMENT OF THAT PRESARM, WHEN APPLICABLE. TO THE TRANSPERSE ARE: APPROVED (Wen the following good L' DISAPPROVED (For the following ressons) EXAMINER DATE AUTHORIZED ATF OFFICIAL

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ard.

Please make the appropriate changes and resubmit to the individual noted below. If you require assistance, you may contact the National Firearms Act Branch at (202) 927-8330. Pending applications will be disapproved if no response is received within thirty days from receipt of this letter.

Your cooperation is appreciated.

Ranbara L. Franklin National Firearms Act Branch

Enclosure(s)