

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

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HEARINGS

BEFORE A

SUBCOMMITTEE OF THE  
COMMITTEE ON APPROPRIATIONS  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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

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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*

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PART 5

STATEMENTS OF MEMBERS OF CONGRESS AND OTHER  
INTERESTED INDIVIDUALS AND ORGANIZATIONS



U.S. GOVERNMENT PRINTING OFFICE

56-144

WASHINGTON : 1999

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

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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 over-reacted 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

Applicant: Mont Lamar Mendenhall Date: MAY 18 1998


Roseville, NC

The enclosed application(s) is/are being returned to you for the following reason(s):

- Application submitted on incorrect form, resubmit on ATF Form# \_\_\_\_\_.
- Application not submitted in duplicate.
- Application not submitted in quadruplicate.
- 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 transferee 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.
- Transferee'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.
  
- Transferor's trade name varies with our records.
- Transferor's name/address on application, tax stamp, and license are not all the same.
- Transferor's Federal firearms license invalid:  number incorrect  license expired.
- Transferor's employer identification number invalid:  number incorrect  SOT not paid.
  
- Proof of ownership required. Firearm not shown registered to applicant.
- Proof of executorship/death certificate required.
- Proof (Articles) of corporation required.
- State permit required.
- Law letter required. Firearm restricted pursuant to 18 USC 922(f), Title 27 CFR 179.105(d).
- Repair description letter required.
- Void letter required confirming that transferee has never taken possession of firearm.
- Bill of lading required.
- Importation permit (ATF Form 6) required.
  
- Interstate transfer of firearms are prohibited to non-licensees.
- Firearm prohibited in jurisdiction of transferee's residence.
- Firearm prohibited in jurisdiction to be transported.
- Date(s) of move/transport must be given prior to application approval.
  
- Transfer tax required for this type of transaction, please remit  \$200  \$5  Other \_\_\_\_\_.
- Transferee's photograph must be attached to back of each form.
- Applicant certification invalid/incomplete.
- Law enforcement certification invalid/incomplete.

PS 14308

Form Approved: OMB No. 1512-0027 (10/31/92)

|  |                        |  |
|--|------------------------|--|
| DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS<br>APPLICATION FOR TAX PAID TRANSFER AND REGISTRATION OF FIREARM  |                        | SEE INSTRUCTIONS ATTACHED.<br>TO BE SUBMITTED IN DUPLICATE<br>TO: National Firearms Act Branch<br>Bureau of Alcohol, Tobacco and<br>Firearms<br>P. O. Box 73201<br>Chicago, IL 60673-7201  |
| 2a. TRANSFEREE'S NAME AND ADDRESS (If transferee is a Special Occupational Taxpayer who is acquiring firearm for personal use, rather than as part of his business inventory, show personal name below and check here: <input type="checkbox"/> )<br>MONT LARBAR MENDERHALL<br>100 Wildwood<br>Thomasville, N.C. 27360 |                        | 1. TYPE OF TRF<br>(See instruction 2a)<br><input type="checkbox"/> 45<br><br>Submit with money order for \$2 payable to the D. Upon approval or will acquire, fill "National Firearms Instruction #1" |
| 2b. TRADE NAME (See instruction 2a)  | 2c. COUNTY<br>Randolph |  |
| 2b. TRANSFEROR'S NAME AND MAILING ADDRESS (If the firearm is registered under your trade name, enter your trade name. EXECUTORS: See instruction 2.)<br>SUMMERS MACHINE ENTERPRISES<br>THOMAS DALE SUMMERS<br>ROUTE 7, BOX 672 AIRPORT ROAD<br>THOMASVILLE, N.C. 27360   |                        | 3b. NUMBER, STREET, CITY, STATE AND ZIP CODE IF DIFFERENT FROM ITEM 2c.  |
| 3c. IF APPLICABLE, DECEDENT'S NAME, ADDRESS, AND DATE OF DEATH   |                        |  |

The above-named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.

|  |   |   |  |
|--|---|---|--|
| 4. DESCRIPTION OF FIREARM (Complete items a through f)   |   |   |  |
| a. NAME AND ADDRESS OF MANUFACTURER AND/OR IMPORTER OF FIREARM<br><br>FLEMING FIREARMS<br>7720 E. 126th St. N.<br>Collinsville, OK 74021 | b. TYPE OF FIREARM (Short-barreled rifle, machine gun, destructive device, any other weapon, etc.)<br><br>Machine gun<br>Sear | c. CALIBER, GAUGE OR SIZE (Specify)<br><br>9mm<br>.223 cal<br>308 cal | d. MODEL<br>BK<br><br>LENGTH:    # OF BARREL:    n/a<br>(Inches)    I. OVERALL:        n/a |
|  | g. SERIAL NUMBER<br>80851   |   |  |
| 5. ADDITIONAL DESCRIPTION OR DATA APPEARING ON FIREARM (Attach additional sheet if necessary)  |   |   |  |

|  |          |          |          |   |          |
|--|----------|----------|----------|---|----------|
| 1. TRANSFEREE'S FEDERAL FIREARMS LICENSE (if any)<br>(Give complete 15-digit number) |          |          |          | 6. TRANSFEREE'S SPECIAL (OCCUPATIONAL) TAX STATUS |          |
| First 8 digits   | 2 digits | 2 digits | 5 digits | a. ATF IDENTIFICATION NUMBER                      | b. CLASS |
|  |          |          |          |   |          |
| TRANSFEROR'S FEDERAL FIREARMS LICENSE (if any)<br>(Give complete 15-digit number)    |          |          |          | 6. TRANSFEROR'S SPECIAL (OCCUPATIONAL) TAX STATUS |          |
| First 8 digits   | 2 digits | 2 digits | 5 digits | a. ATF IDENTIFICATION NUMBER                      | b. CLASS |
| 156029   | 07       | 48       | 33859    | 56-1747211  | II       |

UNDER PENALTIES OF PERJURY, I DECLARE that I have examined this application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Chapter 44, Title 18, United States Code; Chapter 83, Title 20, United States Code; or Title VII of the Omnibus Crime Control and Safe Streets Act, as amended; or any provisions of State or local law.

|   |   |                    |
|---|---|--------------------|
| 7. SIGNATURE OF TRANSFEROR (or authorized official)<br><i>Thomas Dale Summers</i> | 10. NAME AND TITLE OF AUTHORIZED OFFICIAL<br>(Print or type)<br>Thomas Dale Summers-Owner | 11. DATE<br>5-8-95 |
|---|---|--------------------|

|   |                         |
|---|-------------------------|
| THE SPACE BELOW IS FOR THE USE OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS | STAMP NUMBER<br>9900 00 |
|---|-------------------------|

|  |   |
|--|---|
| <input checked="" type="checkbox"/> APPROVED (With the following conditions, if any)       | <input type="checkbox"/> DISAPPROVED (For the following reason) |
| SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS<br><i>Archie E. Higgins</i> |   |
| DATE<br>JUN 6 1993   |   |

## CERTIFICATIONS

If the transferor of a destructive device, machinegun, short-barreled shotgun or short-barreled rifle is a Federal firearms licensee, and the transferee is anyone other than a licensee qualified to deal in the firearm to be transferred, the transferee must sign the Applicant Certification (Item 2 below) in the presence of the law enforcement officer signing Item 3 below. The Law Enforcement Certification (Item 3 below) must be completed for the transfer of any registered firearm to an individual other than a licensee qualified to deal in the firearm to be transferred. In addition, the individual transferee must affix a recent photograph (taken within the past year) in Item 1 and submit, in duplicate (to the transferor) two completed copies of FBI Form FD-208, Fingerprint Card. (See Important note below.)



## 2. APPLICANT CERTIFICATION

I, Mont Lamar Mendenhall, have a reasonable necessity to possess the device or weapon described on this application for the following reason: I collect unusual weapons.

and my possession of the device or weapon would be consistent with public safety (18 U.S.C. 922(b) (4) and 27 CFR 178.99).

UNDER PENALTIES OF PERJURY, I declare that I have examined this application, and to the best of my knowledge and belief it is true, correct and complete, and that receipt and possession of the firearm described on the form will not place me in violation of the provisions of Chapter 44, Title 18, U.S.C.; Chapter 52, Title 26, U.S.C.; or Title VII of the Omnibus Crime Control and Safe Streets Act, as amended, or any provisions of State or local law.

Mont Lamar Mendenhall  
(Signature of Transferee or official authorized to sign for firm)

4/16/93  
Date

## 3. LAW ENFORCEMENT CERTIFICATION (See IMPORTANT note below)

I certify that I am the chief law enforcement officer of the organization named below having jurisdiction in the area of residence of Mont Lamar Mendenhall. I have no information indicating that the transferee will use the firearm or device described on this application for other than lawful purposes. I have no information that the receipt and/or possession of the firearm described in item 4 of this form would place the transferee in violation of State or local law.

Ritchard Hunley (Sheriff)  
Randolph City Sheriff Dept.

Sheriff

139 N. Cox. St  
Ashboro, NC 27203

(Organization and Street Address)

Randolph, Cty

(County)

919-629-1590

(Phone - include area code)

4-16-93  
(Date)

**IMPORTANT:** The chief law enforcement officer is considered to be the Chief of Police for the transferee's city or town of residence; the Sheriff for the transferee's county of residence; the Head of the State Police for the transferee's State of residence; a State or local district attorney or prosecutor having jurisdiction in the transferee's area of residence; or another person whose certification is acceptable to the Director, Bureau of Alcohol, Tobacco and Firearms. If someone has specific delegated authority to sign on behalf of the Chief of Police, Sheriff, etc., this fact must be noted by printing the Chief's, Sheriff's, or other authorized official's name and title, followed by the word "by" and the full signature and title of the delegated person.

ATF - NFA BRANCH  
 JAN 13 PM 3

| DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS<br>APPLICATION FOR TAX EXEMPT TRANSFER AND REGISTRATION OF A FIREARM   |      | SEE INSTRUCTIONS ATTACHED.<br>TO BE SUBMITTED IN DUPLICATE<br>TO: National Firearms Act Branch<br>Bureau of Alcohol, Tobacco and<br>Firearms<br>Washington, DC 20208   |   |   |
|---|------|--|---|---|
| 2a. TRANSFEREE'S NAME AND ADDRESS (If transferee is a Special (Occupational) Taxpayer who is acquiring firearm for personal use, rather than as part of his business inventory, show personal name below and check here: <input checked="" type="checkbox"/> S & H ARMS OF OK, INC.<br>P. O. BOX 121 C13680 E. 108 <sup>th</sup> ST. N.<br>OWASSO, OK 74055   |      | 1. TYPE OF TRANSFER: TAX EXEMPT<br><br>I believe that I am entitled to exemption from the payment of the transfer tax imposed by Section 5811 (26 U.S.C. Chapter 53) on the firearm described herein for the following reason See instruction 5i:<br><br><input type="checkbox"/> FIREARM IS UNSERVICEABLE AND IS BEING TRANSFERRED AS A CURIO OR ORNAMENT (1a)<br><input type="checkbox"/> FIREARM IS BEING TRANSFERRED TO OR FROM A GOVERNMENT ENTITY (9b & 9c)<br><input type="checkbox"/> FIREARM IS BEING TRANSFERRED TO A LAWFUL USER (9d)<br><input checked="" type="checkbox"/> OTHER (Specify) Repair |   |   |
| 2b. TRADE NAME (See instruction 2a)   |      | 2c. COUNTY Rogers  |   |   |
| 3a. TRANSFEROR'S NAME AND MAILING ADDRESS (If firearm is registered under your trade name, enter your trade name. EXECUTORS: See instruction 2f)<br>Mont Lamar Mendenhall<br>6691 Wildwood Trail (100 Wildwood)<br>Thomasville, NC 27360  |      | 3c. NUMBER, STREET, CITY, STATE AND ZIP CODE OF RESIDENCE (OR FIREARMS BUSINESS PREMISES) IF DIFFERENT FROM ITEM 3a.   |   |   |
| 3b. IF APPLICABLE, DECEDENT'S NAME, ADDRESS, AND DATE OF DEATH  |      |  |   |   |
| The above-named and undersigned transferor hereby makes application as required by Section 5812 of the National Firearms Act to transfer and register the firearm described below to the transferee.  |      |  |   |   |
| 4. DESCRIPTION OF FIREARM (Complete items a through i)  |      |  |   |   |
| a. NAME AND ADDRESS OF MANUFACTURER AND/OR IMPORTER OF FIREARM<br>Fleming Firearms<br>7720 E. 126 <sup>th</sup> ST. N.<br>Collinsville, OK 74021  |      | b. TYPE OF FIREARM (Short-barreled rifle, machine gun, destructive device, any other weapon, etc.)<br>Machine Gun Sear   | c. CALIBER, GAUGE OR SIZE (Specify)<br>9 mm<br>323 cal.<br>308 cal. | e. MODEL<br>HK<br>LENGTH 4. OF BARREL: N/A<br>1. OVERALL: N/A |
| 5. TRANSFEREE'S FEDERAL FIREARMS LICENSE (if any)<br>(Give complete 15-digit number)<br>First 8 digits   2 digits   2 digits   5 digits<br>573072   07   9H   55986   |      | 6. TRANSFEREE'S SPECIAL (OCCUPATIONAL) TAX STATUS<br>a. ATF IDENTIFICATION NO. 73-1287873<br>b. CLASS 2  |   |   |
| 7. TRANSFEROR'S FEDERAL FIREARMS LICENSE (if any)<br>(Give complete 15-digit number)<br>First 8 digits   2 digits   2 digits   5 digits   |      | 8. TRANSFEROR'S SPECIAL (OCCUPATIONAL) TAX STATUS<br>a. ATF IDENTIFICATION NO.<br>b. CLASS   |   |   |
| 9. IS THE FIREARM UNSERVICEABLE AS DEFINED IN INSTRUCTION 5a? <input type="checkbox"/> YES <input type="checkbox"/> NO (If "No," describe any other method by which firearm has been rendered unusable. Use additional sheets.)   |      |  |   |   |
| 11. DATE 5/15/98  |      |  |   |   |
| 10. NAME AND TITLE OF AUTHORIZED OFFICIAL<br>Mont Lamar Mendenhall<br>Mont Lamar Mendenhall - Owner   |      | 11. DATE   |   |   |
| UNDER PENALTIES OF PERJURY, I DECLARE that I have examined the application, and to the best of my knowledge and belief it is true, correct and complete, and that the transfer of the described firearm to the transferee and receipt and possession of it by the transferee are not prohibited by the provisions of Chapter 44, Title 18, United States Code; Chapter 53, Title 26, United States Code; or Title VII of the Omnibus Crime Control and Safe Streets Act, as amended; or any provisions of State or local law. |      |  |   |   |
| 9. SIGNATURE OF TRANSFEROR (Or authorized official)<br>Mont Lamar Mendenhall  |      | 10. NAME AND TITLE OF AUTHORIZED OFFICIAL<br>Mont Lamar Mendenhall - Owner   |   |   |
| THE SPACE BELOW IS FOR THE USE OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS<br>BY AUTHORITY OF THE DIRECTOR, THIS APPLICATION HAS BEEN EXAMINED, AND THE TRANSFER AND<br>REGISTRATION OF THE FIREARM DESCRIBED HEREIN AND THE INTERSTATE MOVEMENT OF THAT FIREARM,<br>WHEN APPLICABLE, TO THE TRANSFEREE ARE:<br><input type="checkbox"/> APPROVED (With the following conditions, if any)<br><input type="checkbox"/> DISAPPROVED (For the following reason)   |      |  |   |   |
| EXAMINER  | DATE | AUTHORIZED ATF OFFICIAL  | DATE  |   |



- Two completed FD-258 fingerprint cards are required with this application.
- Personal information on FD-258 fingerprint card is incomplete.
- FBI will not process any fingerprint card other than the FD-258.
- Improperly taken fingerprints. Carefully follow instructions on back of FD-258 fingerprint card.

X Other: Please send copy of approved application to me

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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.

Barbara L. Franklin  
National Firearms Act Branch

Enclosure(s)