

December 11, 2007

The Honorable Alan B. Mollohan, Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies
Committee on Appropriations
House of Representatives
H-309 Capitol
Washington, DC 20515

Dear Chairman Mollohan:

This is to update you on inaccuracies in the National Firearms Registration and Transfer Record (NFRTR) data system maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). In 2007, a review of the NFRTR by the Department of Justice Inspector General disclosed that many of the long-standing problems of the NFRTR have not been corrected. Since ATF is now under the purview of your Subcommittee, I wanted to redirect my comments to you. Because of concerns expressed by private citizens about these continuing problems, I again reviewed the NFRTR situation and found that ATF still has serious material weaknesses in its firearm registration system that it has failed to recognize. In my considered professional judgment, these errors render the NFRTR questionable as a source of evidence in federal law enforcement.

Like the last time I wrote, this letter provides my expert statistical opinion on the Bureau of Alcohol, Tobacco and Firearms' responses to three questions asked of that agency in 2000 when it was under the jurisdiction of the Subcommittee on Treasury, Postal Service, and General Government (which then included ATF). These questions were on the underlying backbone technology of the firearms record system, the efforts to measure and upgrade its "searchability" and finally, the way decedents are handled. Since no satisfactory answers were given I will reiterate them below. Offered also are some concluding comments and recommendations. I then end with some additional context on the next steps I plan to take. A statement of my qualifications is also enclosed.

Technology question. My reading of the OIG reports suggests that very serious problems were uncovered in ATF's recordkeeping systems. In fact, in my long experience, I cannot think of any instance where poorer results were obtained. I was greatly troubled, therefore, by ATF's comment that it "...found nothing in the OIG report to justify a statutory or administrative change..." The automation remedies offered are too vague and general to assess their thoroughness. The fact that no timetable was offered is a concern too. Moreover, there is no mention of any benchmarking with other federal agencies, like the IRS, SSA, or SBA which all have excellent record keeping systems.

Searchability question. I found the ATF answer to be unresponsive and too general to be useful. For example, again, no timetable is offered. There are no details on how the indexes will be built by ATF and how index quality will be assured, measured and maintained. The handling of decedent records is likely to be a serious weakness and not to have a system to deal with it seems a failure of due diligence.

Heirs question. It is not surprising that ATF has no knowledge of confiscating “a lawfully registered firearm from a legal heir.” In responding to the previous question, ATF indicated that it has no system to identify or track the firearm transfers to heirs. The Social Security Administration regularly provides fact of death information which could be used to do systematic checking, certainly for the years 1997-99. This is public information available on the Internet. There is no evidence that ATF examined this source in its response to the Committee.

Conclusions. I can only offer a limited opinion on the ATF’s answers but if their responses are to be taken at face value, two conclusions arise: (1) ATF has serious material weaknesses in its firearm registration system which it has yet to acknowledge and (2) the ATF steps taken to improve its recordkeeping continue to lack thoroughness and probably lack timeliness as well. This point about timeliness is even stronger given all the years since I first wrote the Congress

Recommendations. Let me offer three recommendations to the Committee for its consideration:

- (1) ATF should be asked to engage an outside audit organization to give a more complete assessment of the weaknesses in their existing firearms system. The scope of the OIG audits was too narrow. These audits should be annual, including a full test of the system from registration to retrieval. The Post Office has such audit practices and offers a model of the completeness needed.
- (2) ATF should be asked to conduct a thorough benchmarking effort looking at recordkeeping practices and how they are changing both within government and outside it. This benchmarking will require another (separate) outside contactor experienced in conducting such studies.
- (3) The use of record linkage technologies to test and update the ATF firearms system to reduce its isolation is worth study. A match with the SSA decedent file is an example, but there are other government systems that might be looked at too. Possibly legislation would be needed but before seeking legislation ATF should engage one or more experts in record linkage techniques as consultants on the present “matchability” of the system and needs for its future “matchability.”

Additional Context. With my colleagues Dr. Thomas Herzog and Dr. William Winkler, I finished a book in May on data quality that I would be happy to send you. The book was published by Springer and is entitled *Data Quality and Record Linkage Techniques*. In the book you will find additional context on my observations. Even though the first edition of the book has just come out we are already contemplating a second edition and plan to include the ATF issues discussed above in a new chapter. Will the story we tell have a happy ending or continue to be stalemated? We are hoping that changes will be made, so we can report a success and not a failure.

Please feel free to call me (202-320-3446) for assistance on this matter. In the interests of brevity, some of my answers may have been cryptic. For this I apologize.

Sincerely,

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Fritz J. Scheuren, Ph.D.
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PS This letter is being sent by me as private citizen, acting entirely *pro bono*. When I was President of the American Statistical Association, two years ago, I urged my fellow professionals to create their own *pro bono* practice, just like lawyers do. This is a case of me simply taking my own advice.