

Abolishing the ATF

by

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Last December, Representative Eric Burlison, R-Mo, introduced a bill to abolish the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). It is understandable why Burlison and other lawmakers want to dismantle the ATF in light of the bureau overstepping its mission statement on the [ATF website](#).

To put things in perspective, we have [three branches](#) of government: the executive, judicial, and legislative branches.

[Article II](#) of the US Constitution assigns the responsibility for law enforcement to the executive branch. The key phrase in section 3 of the article is, “. . .that the Laws be faithfully executed.” However in [Buckley v. Valeo](#) the Supreme Court recognized that “Executive Officers” may also have quasi-judicial powers including rulemaking. With regard to ATF this has been challenged in court by the National Rifle Association (NRA) and other groups.

In 1972, the responsibilities for alcohol, tobacco, firearms and explosives control was transferred from the IRS to the newly formed Bureau of Alcohol, Tobacco and Firearms under the Department of Treasury.

In 2003, ATF was split into two parts when it was transferred to the Department of Justice, where it remains today.

Shortly after 9/11/2001, the Department of Homeland Security (DHS) was formed. Twenty-two (22) federal departments and agencies were moved under the auspices of DHS. Originally formed as an anti-terrorist department, DHS duties and responsibilities have expanded into other areas.

Now let's get back to the ATF.

A lot about the culture and concerns of an organization can be determined by its website. When viewing the [ATF](#) website, there is no doubt that ATF's major emphasis is on firearms and that alcohol, tobacco, arson, and explosives are secondary. This is displayed not only by the arrangement of the four areas on the homepage but also by their “How can we help you today?” dropdown list of topics. Similarly, “firearms” is listed first in its mission statement, and yet, its' very name addresses alcohol first followed by tobacco and firearms last.

Taking the 4 listed areas in reverse order, it makes sense to reallocate resources to other agencies, or possibly eliminate them completely. When considering alcohol and tobacco it should be noted that both are considered major health issues and related to substance abuse. In terms of substance abuse, both can easily be classified as “drugs.” From these two perspectives the enforcement of alcohol and tobacco regulations should be transferred to:

- The DHS Office of Health Security, and/or
- The DOJ’s Drug Enforcement Agency

Next up is ATF’s Arson Task Force. When the task force was formed in 1977, its mission was to create inter-agency cooperation to investigate major arson or bombing crimes in the US. The task force consists of two “divisions”: 1. Approximately 10 certified fire investigators plus support personnel, and 2. A training division consisting of three federal training sites that are also open to federal and state law enforcement.

Since the Arson Task Force is tasked with investigating major arson and bombing cases, it is reasonable to say that in these cases arson and bombings are “weapons of mass destruction.” If this is an acceptable relationship then perhaps the investigation and support aspect should be transferred to either:

- DHS Countering Weapons of Mass Destruction Office, or
- FBI’s investigative and science and technology branches.

The training and certification responsibilities, including the Fire Research Laboratory and US Fire Administration service training branch, should be consolidated under DHS’s Federal Law Enforcement Training Centers division.

Similar to ATF’s Arson Task Force, the National Explosives Task Force “division” also consists of several roles that can be transferred to other areas of the government. For example, the National Center for Explosives Training and Research should be transferred to DHS’s Federal Law Enforcement Training Centers division.

Its licensing center and Explosives Relief of Disability sections should be combined and perhaps moved under DHS’s Transportation Security Administration, or DOJ’s National Security Division.

The final, and most notable, mission role concerns firearms. There has been a lot of discussion over the years about ATF overstepping its mission by creating rules and

regulations that impact Americans' rights to bear arms as stated in the Second Amendment. By overstepping their boundaries, ATF has inadvertently or deliberately enabled states and local jurisdictions to also violate the Second Amendment as well.

Like the IRS, ATF is a regulatory agency that happens to also have enforcement capability. As such, it cannot arbitrarily create rules and regulations that violate the Constitution, our Bill of Rights, or federal laws.

Simply stated, the overarching role of ATF's Firearms section is the control of firearms trafficking in order to reduce or prevent the use of firearms in criminal activities. When viewed from this aspect, the concern is based on the movement of firearms including their importation and movement across state lines. This concern is indicated by ATF's Tools & Services for Law Enforcement section of their website and the emphasis on licensing within the firearms industry.

Since the major emphasis is placed on tracking firearm movement into and throughout the nation, and controlling firearm manufacturing, this function of the ATF should probably be moved under the Department of Commerce, and in particular both the International Trade Administration and the Bureau of Industry and Security.

The Firearms and Ammunition Technology Division can be moved to the National Institute for Standards and Technology. Additionally the National Firearms Examiner Academy should be transferred to DHS's Federal Law Enforcement Training Centers division.

All four areas of the ATF have criminal reporting and analysis programs. Additionally the FBI and DEA also have such programs. All of these programs should be transferred to and consolidated under DOJ's Criminal Division.

Over the history of our government, there has been a continued growth of government bureaucracy. While some growth is necessary for the government to operate efficiently, much of the growth has led to policies, rules, and regulations that are inappropriate and infringe on individual rights and freedoms. Our bloated government needs to go on a diet. In this discussion the "excess weight" of the ATF needs to be lost and its functions either eliminated or moved to other governmental department where they can be more efficiently managed with the consolidation of government functions.