



Written by [Joe Wolverton, II, J.D.](#) on May 25, 2023

## ATF: Amend or Abolish?

The Biden administration's proposed budget for fiscal year 2024 increases funding for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) 7.4 percent, to \$1.9 billion, in order to "expand multijurisdictional gun trafficking strike forces with additional personnel, increase regulation of the firearms industry, and implement the Bipartisan Safer Communities Act."

Reading that, I'm reminded of James Madison's musings in *The Federalist* No. 46, regarding his disbelief that Americans would ever allow tyranny to take hold here, much less continue to fund it once it developed.

Madison wrote:



ATF.gov

The only refuge left for those who prophesy the downfall of the State governments is the visionary supposition that the federal government may previously accumulate a military force for the projects of ambition. The reasonings contained in these papers must have been employed to little purpose indeed, if it could be necessary now to disprove the reality of this danger. That the people and the States should, for a sufficient period of time, elect an uninterrupted succession of men ready to betray both; that the traitors should, throughout this period, uniformly and systematically pursue some fixed plan for the extension of the military establishment; that the governments and the people of the States should silently and patiently behold the gathering storm, and continue to supply the materials, until it should be prepared to burst on their own heads, must appear to every one more like the incoherent dreams of a delirious jealousy, or the misjudged exaggerations of a counterfeit zeal, than like the sober apprehensions of genuine patriotism.

Today, we do indeed behold the gathering storm — the arming of the bureaucracy and the disarming of the people — yet we continue to supply the materials of this tyranny, and as Madison's study of history revealed to him, if we continue along this trajectory, there will come a deluge of despotism that will destroy our liberty.

Much of the tyrannical torrent today comes from the ATF itself, an organization whose very existence is anathema to the principles of freedom upon which the U.S. Constitution was founded. There should be no agency devoted to infringing on the right of the people to keep and bear arms. However, just because such an agency has been allowed to be established, it does not mean that we must permit its perpetuation.

Enter the Second Amendment Foundation's Citizens Committee for the Right to Keep and Bear Arms (CCRKBA).

A recent article published on [guns.com](#) reported on the effort by the Second Amendment Foundation to



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investigate the ATF:

Instead of increasing funding to the ATF, Congress should investigate the agency's misuse of millions in taxpayer dollars, says the Citizens Committee for the Right to Keep and Bear Arms, the Second Amendment Foundation's lobbyist arm.

According to two whistleblowers in the ATF's human resources department, the agency wasted millions by classifying office personnel as law enforcement and paying them the corresponding higher wages and benefits. The Office of Special Counsel (OSC) confirmed the whistleblower reports, and Special Counsel Henry J. Kerner alerted the White House of the findings earlier this month. In his letter to President Biden, Kerner wrote, "These positions had been intentionally misclassified to be within the law enforcement job series."

Kerner noted that the Office of Personnel Management had identified 91 misclassified positions, while the ATF on its own found 17 more - a total of 108 positions.

"This is a poor example of our tax dollars at work," CCRKBA Chairman Alan Gottlieb said in a Friday statement. "It reinforces the perception of an agency out of control. Is it any wonder that America's gun owners have mistrust for the agency? The only way to get ATF's attention is to deny its funding while a thorough investigation is conducted."

The issue of how the ATF uses money unconstitutionally seized from citizens is, strictly speaking, immaterial. There should not be an accounting of how the AFT wastes billions of dollars, but rather there should be an irresistible push by patriotic Americans for the immediate shuttering of this agency, as well as any other agency whose functions do not fall within the enumerated authority granted to the federal government by the states.

Furthermore, as to why gun owners mistrust the ATF, it has nothing to do with fuzzy math or poor personnel decisions. While those things are certainly annoying, gun owners are more concerned about the fact that agents of our own government are employed using our own money to deny to Americans one of nature's most basic rights: the right of self-defense.

Consider this gem from William Blackstone, a man of immense and undeniable influence on the Founders and their understanding of rights, civil and natural.

In Volume I of his *Commentaries on the Laws of England*, Blackstone declares that the people retain "the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression."

Would anyone in America — or the world, for that matter — argue that the "sanctions of society and laws" are sufficient to "restrain violence" or oppression?

Thus, the people must be armed.

Commenting on Blackstone's *Commentaries*, eminent Founding Era jurist and constitutional scholar St. George Tucker put a finer point on the purpose of protecting the natural right of all people to keep and bear arms. He wrote:

This may be considered as the true palladium of liberty.... The right of self defense is the first law of nature: in most governments it has been the study of rulers to confine this right



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within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.

Enough said.

Next, when an allegedly elected president usurps power beyond his own, he becomes by very ancient definition a tyrant. When a person acts in furtherance of the dictates of a tyrant, that person becomes complicit in the crimes committed by the tyrant.

Every president who has not issued an executive order abolishing the ATF is complicit in that agency's assault on the right to keep and bear arms and the Second Amendment that protects that right.

One final note: As the ATF is an executive branch department, the president, as the head of the executive branch, may constitutionally abolish that agency with an executive order. That act would be constitutional in many ways, including the use of an executive order as it may legally be employed.



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