

**ATF SPECIAL AGENTS PREPARE FOR
MILLION DOLLAR LAWSUITS NATION WIDE,
CONSIDER CLASS ACTIONS**

BUREAU OF ATF&E OUT OF CONTROL “AGAIN”

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**Sweeping abuse throughout the U.S. Department of Justice, specifically the Bureau
of Alcohol, Tobacco, Firearms and Explosives**

Failure to provide meaningful oversight widens abuses and ensures Status Quo

Rewind to Time magazine article, July 24, 1995 written by Erik Larson titled “ATF UNDER SIEGE”. See allegations by ATF Special Agents that include such statements as;

ATF as a divided and troubled agency

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abuse the rights of its own employees

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impaired its law-enforcement abilities by embroiling agents and managers in a web of in-house scandals and divisive controversies.

widespread discrimination and intimidation

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There is little unity within the organization. Morale is very poor.

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This situation goes far beyond the normal criticisms and complaints which are leveled against management in any organization."

Fast forward to August 8, 2007, little has changed and much has worsened. Starting with the resignation of Former Director Carl Truscott and continuing through the removal of the Bureaus top two management officials. ATFs newly installed top management struggles to re-establish unity, trust and confidence. **Is it too little too late?** Field agents have attempted to challenge the un-ethical, and illegal actions of field managers through

various means in recent years only to meet with retaliation so destructive it almost inevitably results in the challenges or allegations being withdrawn.

Fear of ATF leadership has replaced transparency. Lack of trust and the absence of good faith in trying to resolve these issues have caused a growing number of Agents to rely upon legal means to invoke the protections and seek redress. Record numbers of EEOC, OIG, OSC, whistleblower and internal grievances face the new management team. Requests for congressional intervention by Agents across the country to include Arizona , New Mexico, Las Vegas, Nevada, San Francisco, California and Atlanta, Georgia, have met with no significant oversight and responses that could only be categorized as retaliation and lies from ATF.

Integrity and truthfulness in government should far outweigh a law enforcement managers legal right to cover their misdeeds. When egregious violations of laws, policies and procedures are routinely ignored and when media and congressional inquiries are answered with a simple “ATF was in the top ten best places to work, by ATF spokesperson Sherri Mixell, there is a clear cut lack of transparency.

If ATF can't police itself, someone else must. We are the ones meeting in the dark alleys while our bosses are sleeping. We are the ones being exposed to enormous threat of life and limb not to mention the physical, emotional and sometimes civil liabilities. We are the ones who freely and with great pride and distinction accept all assignments, all challenges and call upon our families to join in these sacrifices. The EEOC complaints over the last 2 years number in the hundreds. The overwhelming percentage of which contain allegations of retaliation.

We do this not only for the Bureau, and the country we love, but because we are privileged to be called ATF Agents. We are unique in our skills and our mission. Because our jurisdictions are significantly fraught with peril, we deserve to not be attacked by our own management teams. We deserve to have a say in how our resources should be allocated. We do not deserve to be told to be silent or suffer the consequences. After the confirmation of Director John Magaw, a new era was ushered in. A New and professional and ethical light was shined on ATF. However, since Director Magaws departure, we have taken 2 steps backwards. Director Buckles and Director Truscott chose to be career Bureaucrats not law enforcement officials.

First impressions in the field are that Acting Director Michael Sullivan is a competent and professional leader who possesses the skill to lead the Bureau of ATF&E. However, he continues to act on filtered information from those who have created these problems. These problems and those responsible must be dealt with before the Bureau can restore trust in its management team.

With the appointment of Deputy Director Ronnie Carter and Assistant Director Billy Hoover, the signal was clear. The intent is/was to restore ethical and professional leadership to the Bureau.

Perhaps the problems are too significant to place on the shoulders of 3 men, or maybe the Bureau is beyond repair. Either way, the complaints continue as does the retaliation, abuse of authority and the climbing number of EEOC, OSC, OIG and internal grievance complaints. As illuminated in the recent Arizona Republic article as well as a CNN news article, the Bureau is splintered and oversight is nil. It is unfortunate that so many complaints and clear-cut abuses such as those identified by Special Agent Jay Dobyns, can fall upon deaf ears. No good faith attempts to resolve pending actions have occurred. No meaningful dialogue with those who report abuses has occurred. An agent allegedly in fear of her life in the work place files a formal complaint twice and nothing is done.

I myself filed a formal whistle blower and EEOC complaint. In the months that followed, I have been transferred 5 times, referred for a psychological evaluation, detailed across the country for 12 months, had my duty weapons taken from me and ultimately terminated, ALL of these retaliatory acts have been rescinded only after exhausting my families savings, my retirement and my children's college funds. Still no formal decision.

Yes the agency did offer settlement upon several managers admitting under oath to having taken or omitted actions in my case that could only be described as egregious and unethical. However, the government now stalls and continues to use its power to force my retirement with devastating future losses to my family and me. This after 26 years, outstanding evaluations, 8 Special act awards, a national award for investigative excellence and having been consistently one of the highest case producers in each and every group I have been assigned to. This could be considered an isolated incident but the Bureaus own records on EEOC, OIG and OSC cases prove different. In the recent years,

the OIG has identified a series of improper actions by ATF management to include the use of the disciplinary system.

This is why the reference to the 1995 Time article is relevant. We have come full circle and unless we are careful, the lack of action by ATF upper management could signal the end of ATF. Many of the same principles are still standing tall, but others have faded away. Kay Kabicki may be the most knowledgeable of the systemic and historical abuses and continues to champion her clients. Charles Fuller, former Agent and program manager at ATF's academy has lived the abuses and sees them today. Vanessa Mclemore championed her own cause as an alleged victim of the abuses, only to settle her grievances, rise up within ATF and now serves as one of the most abusive SACs in the country. In 1995, SAC Mclemore was quoted as stating "What I don't like is not being given an equal opportunity to do it." Now many complaints filed against SAC Mclemore, have been filed regarding these very issues. SAC Mclemore's propensity to obstruct or impede the agents who work for her, bringing us back to another ATF slogan coined by Kay Kabicki in the 1995 article, Big cases big problems, little cases little problems and no cases no problems.

Often times ATF Internal Affairs/OPSRO are used to facilitate the retaliation. Either through act or in many cases omission. IA does marginal investigations, slants statements or disregards witnesses that might be counter productive to the Bureau's managers positions on any given complaint.

The agents subjected to the abuses are not substandard agents or problem children. Many of them are 20 year + veterans who have sacrificed often times at the detriment to their own families. Several of the complainants are decorated heroes and have survived numerous life threatening encounters or spent months undercover and away from their families only to be targeted when they become injured or too old and no longer of use. Unfortunately, faith in the "new team" is running out. If change is going to come it must come swiftly and decisively. The agents refuse to be intimidated and this is their Bureau too. These agents are not cowards and will stand strong to reclaim their Bureau. If ATF is to avoid the embarrassment of the past and potential justified abolishment altogether, they must act with integrity even if it requires a painful acknowledgment that this Bureau and many of its leaders are out of control. The Director has been advised personally of many of these abuses, as have numerous members of Congress and the judiciary committee. If the Director can't be a full time AUSA and Director, then perhaps its time

for him to make a decision. The agents identified in this communication have tried at great personal expense to avoid the public airing of the Bureau's dirty laundry, but just as with the ATF of the past, they seem to only respond to the public outcry that the media, congressional oversight and ethical and criminal allegations being formally filed can provide.

The representations contained in this document can and will be supported if a significant story and attempt to expose those responsible is possible in your professional estimation. Too many are enduring too much to do their job and provide a significant deterrent to violent crime in our communities.

The following can and will be provided upon request;

1. Recent 15 page formal allegations stretching across the country relating to ATF managers containing waste fraud and abuse, abuse of authority, illegal and unethical conduct, discrimination and retaliation.
2. Multiple requests from multiple Agents requesting congressional oversight and intervention. To include both ATF's responses as well as the Congressional representatives.
3. Copies of internal grievances, proposed lawsuits, and OSC investigations.
4. Witnesses who will be interviewed and provide direct testimony regarding the magnitude of the abuses.

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