

Talkin' to America

Interview with Doug Friesen - Part 2 August 5th 2009

INTRODUCTION

Aaron Zelman: This is **Talkin' to America**. Our guest today is **Doug Friesen** - this is part two of an interview with Doug about his nasty experience with the BATFE. I'm your host **Aaron Zelman** and we welcome you again

Some of the people who came to your aid were working for you in your efforts to get the truth out to the jury and one of the fellows you have on your side is Len Savage who's been on our program before - he's an expert witness who is not loved in the least bit by the ATF folks. He has a habit of telling the truth and helping people understand difficult and complex issues very simply. Why don't we start with Len Savage and his contributions to your effort.

Doug Friesen: I mean, this is kind of a shameless plug for your organization and the video "The Gang" but I got in touch with Len Savage as a result of watching the video, "The Gang", the DVD you produced - you can tell I am getting old because I say 'video' - but, he introduced me to so many other people, when Savage was an actual absolutely key point in the testimony and just helping put together the case, and I would heartily recommend for any attorney that is ever going to go up against the ATF to watch "The Gang" and to just believe everything that is in there because everything that's in there is the truth. But, that's how I originally got to Len Savage - Len Savage runs a - he designs weapons of his, that's his speciality, it's what he does. He has a company called Historic Arms LLC and, when I contacted him it was kind of interesting because he has been a witness a number of times before.

He was at first guarded because he wanted to make sure that he was on the righteous side of what happened, and as we talked and I sent him some of the material he got more and more interested, and he was just an absolute life saver. He is so extremely knowledgeable about guns, their design and what happens ... Just as kind of a little aside, he was doing some experiments in terms of some stamping numbers and that, and he was able to - it just fascinated me because I have no ability in this - but he hit a number, imprinted a number on a piece of metal pipe and looked at it and said "that looks like it's thirty nine thousandths of an inch deep", and when we measured it that was within two thousandths of what it was, and just to be able to look at that and tell that, was just fascinating to me. But, his knowledge is so wide ranging and he can talk in clear English; he is not intimidated and he can really get across to the jury exactly what is happening.

And, he has paid a huge price for being willing to stand up to the ATF - right now, as funny as it sounds the ATF has 'arrested' one of his guns - he manufactures prototypes and specifically actions that do not function - he likes to take military weapons that were designed to fire automatically and have them fire semi automatically, so, there is a civilian version if you will of these. In an attempt to - I think a blatant attempt to get back at him for having the temerity to tell the truth, he has had one of his guns 'arrested' and is now on trial. And the whole problem for that is of course, he is going to spend money now defending his design, and every day or week or month that goes by he is being denied revenue from that. And yet, if somebody calls him - I mean, he is there and he will go the distance. His work was just without him quite frankly I think the case would have been lost.

Aaron Zelman: There's another fellow who enters into this, whose name is Eric Larson, who was, labored long and hard in the vineyards of trying to bring the truth out about the sloppy I guess we'd call it, record keeping, of ATF.

Doug Friesen: Absolutely, and Eric Larsen was an absolute G-d send. His knowledge in reference to the federal Class III database, the NFRTR, is as deep as anybody that I have ever seen. I think he is the number one guy in the nation as far as I am concerned. And, he sat down and put together what I believe to be - and of course just because it was my case I did a lot, I didn't represent myself but I did a tremendous amount of research on it - and because of him we were able to file a motion in liminy (?), that was not successful although I think it should have been, but it is the most complete indictment I think of the NFRTR anywhere in any case. It is just an incredibly thorough brief.

He is giving that to other people with my permission and if anybody ever wants it they can have it from me, but it is a history of the document of the problems that exist in the federal database, that have always existed in the federal database. He talks about in there how people have been thrown data entry people that had requirements of putting so many entries in a day and were just going too slow - just threw them away. And of course the problem with that is that if you don't have - if you have a machine gun or any Class III item, and it isn't registered to you up in the federal database, then you're guilty. That's just the way it is, they use that database all the time for prosecuting and if that database is different from yours, then your number and you don't have the paper work to prove it, they're going to prosecute you. And he has .. I don't know anybody that knows more about the NFRTR than he does.

Aaron Zelman: You know, just for what it's worth, in "The Gang" we have an example of an ATF inspector acknowledging that the database is wrong.

Doug Friesen: That's exactly right.

Aaron Zelman: They've got it on film. It was a security camera which caught the conversation

Doug Friesen: That's exactly right and that's one of the reasons I was looking at that once again because you guys caught them admitting that there were like, four hundred and some erroneous entries for this one dealer. I mean it was just incredible.

Aaron Zelman: With the US government nothing is really incredible (both laugh). Well, then enters an interesting fellow - this has got to be a real quirk. His name is Fritz Scheuren and I don't think the government want to hear him say a word. Why don't you tell us what Fritz had to say.

Doug Friesen: (Laughs) Dr Fritz Scheuren is one of the most brilliant minds, has one of the most brilliant minds I have ever met in my life. I'd like to think that I'm not a dummy but this gentleman is so smart - I mean, he is just awesome in the knowledge that he has. He is a statistician and he has worked hand in hand with Eric Larsen to analyze the federal database - the NFRTR - and show the problems that exist with it. He's testified in front of US Congressional committees, wrote some articles in reference to it and he is nothing short of a brilliant genius. And, he came down to testify - they obviously, the government - didn't want him testifying, tried to keep him out, but with his credentials there was simply no way to do that. And, his conclusion after going through Eric Larsen's material was that while the federal database had its uses, that it was not statistically accurate enough to be able to be used to convict somebody, because it simply didn't have the degree of reliability needed, even under the government accounting office practices, to make it beyond reasonable doubt if you will. And so - which is the test of course the in criminal cases - and I am still speechless as I am talking to you about it here because he is so smart and he knows this stuff so well - he's a scary individual with the depth of his knowledge.

Aaron Zelman: I guess he's able to prove that figures don't lie but liars figure.

Doug Friesen: (Laughs), I think that is a very very accurate analysis. He is not a gun guy but he is just very interested in doing the right thing. Nice, nice, genuinely nice guy.

Aaron Zelman: So after this happens, now there's a break-in in your office, right?

Doug Friesen: Actually the break-in at my office occurred before they filed charges. I happen to live about six blocks from my office, I'm really blessed in that, and the security service that I have has instructions that when the alarm goes off, they are to call me in case I know of what is going on and then if I instruct them to, to call the police. And in the thirteen years that I have been here it's probably gone off twelve or thirteen times and the response times for the police officers is relatively slow as the general rule because, you know, burglary isn't, you know, to a business, isn't the life threatening thing, you know, in the middle of the night.

What happened was, somebody kicked in the door to my basement. I got here and it was the only time in all these response times that the police actually beat me here. And, surprisingly enough they had a dog that was trained, and this is in quotes but "trained to search out for people" that they ran through my office. And, I of course let them being innocent at the time, only to find out later on that this dog was actually a drug dog, and this had been engineered to search my office for drugs - to see whether I had any drugs here in the office. Now obviously they didn't find any but it was interesting to find out that this dog that was quote "trained to hunt for people" was actually a drug dog that had been running through my office.

Aaron Zelman: (Laughs) Well they are trying to reach for something at this point aren't they Then I understand you are being put on the terrorist watch list?

Doug Friesen: I was put on the terrorist watch list. I didn't know about this until one evening when I was going hunting and was late getting to where I was going and I had to get up early the next morning to hunt, and I was speeding and a Highway patrol officer stopped me and we ended up spending about a half hour beside the road. And, to make a very long story short, they access a different database than some of the other, than some of the local jurisdictions do, and at the end he informed me that I was on a national terrorist database. The same database that had Osama bin Larden on, I was on.

So I call up the FBI because they are the ones that administer this and I said "hey - I hear I'm on this and I have been able to confirm that through another police officer friend of mine. I hear that I'm on this list, can you tell me why". "No, it's an ongoing investigation - we can't tell you why". "Can you tell me what it takes to get on the list?". "No, can't tell you what it does". Well, I finally had to hire an attorney and he talked to the US attorney, and I got my name off. But, I have subsequently found out that a law enforcement official, with one phone call, can get anybody put on the national terrorist database, and there are no requirements for to go there. The police officer just has to want you there, and you're there.

Aaron Zelman: Fascinating. Let's go on to the final conclusion of your trial. What was the final outcome?

Doug Friesen: Two days before the trial my friend called me into his office, the case had been taken out of the assistant US attorney's hands who was handling it and they were offering me a records keeping violation for which the statute of limitations had already run, which would be a misdemeanor, and they would drop all five of the felony counts. I was not at the time predisposed to do that because I felt that we had a great case. We had figured out all even close to weaknesses the first time, however my attorney beat some sense into my head, because any time you can get a misdemeanor and get five felonies dismissed you just need to do this. I mean it's just not worth taking a chance on.

And so, that's the end - conclusion was, that I pled to a misdemeanor records keeping violation. I had to waive the statute of limitations because I had turned in all of my records back in 2004 and specific records keeping violation that I did plead to is, I didn't have a summary sheet of my dispositions. You have to have a summary sheet of your acquisitions and summary sheet of your dispositions. Instead of the summary

sheet I had the yellow form that everybody fills out, the 4473's, I had them all attached in order, so I had actually more information than I had to have, but I didn't have a summary sheet of the 4473's and so that was the records keeping misdemeanor that I ended up pleading to. Then they dropped all five felonies.

Aaron Zelman: OK. Would you like to talk about the federal database some more - what gun owners need to know about this?

Doug Friesen: Absolutely. And, I will tell you that we had, my attorney did an excellent job, we had unprecedented access to the federal database, the NFRTR. We, my gun - they call them birthing documents - but when a manufacturer wants to register a new gun, they have to send in this form, and it's called a birthing document. There were twenty five guns on this form. I cannot find any other case, I haven't found any other case where a government has allowed any access to any other guns that are on the NFRTR, because technically it's tax information so it's kept secret. In this particular case, in my particular case, I was given access to all twenty five of the guns that were 'born' at the same time mine was, so mine and twenty four others.

When Savage came down - we did a detailed in depth analysis of every one of those guns, and at the conclusion of it I can tell you that there was a 48% discrepancy between what the federal database showed and what the actual guns were that were there. 48% error rate. If you take the testimony of the manufacturer of those guns there was a 78% error rate. Now I am not saying that the entire database is flawed to that extent but, once again as in the video that you produced, "The Gang", where you have Mr Busey saying that there was an error rate when he came into office of 40 to 50%, and of course that roll call training tape is available on line and at a number of different sources. We got it and, actually got part of it played in the trial, but the fascinating thing was as he uses the numbers "40 to 50%" error rate, and I can prove that of the twenty five guns that I had access to, there was a 48% error rate in terms of the description and that is not counting the fact that there were two different birthing documents for the gun itself.

Aaron Zelman: We might want to remind people that Mr Busey also told his agents that when they go into court that they commit perjury by always saying that the database is 100% correct.

Doug Friesen: Absolutely.

Aaron Zelman: Amazing. Well, that's all in the film.

Doug Friesen: It is all in the film and you're absolutely right. He says, "we always testify it's 100% accurate, even if we know this isn't true."

Aaron Zelman: What do you suggest that people do to defend themselves or to combat the Bureau of Alcohol Tobacco Firearms and Explosives?

Doug Friesen: Obviously the first thing to do is not to talk to them at all. Just don't say a word. Because whatever you say they are going to take and twist. I have since this incident, I have advised my clients that are federal firearms holders, to set up a video of their premises, so that if the ATF comes they can video the entire thing and be able to audio also.

I think you have to look for an attorney that doesn't mind fighting. You can't have one that's just willing to go along with the system. You've got to have one that's willing to fight and you've got to have one that knows something about guns and the national database or is willing to work, and that don't mind a good fight because it's going to be one. And, what's so tiring I think and what has to be kept in mind is that literally every statement they make has to be evaluated.

Nothing can be taken as truthful on the face of it, because as in the case of the one lady that I was telling you about, she told the same story in her early interviews and late interviews - and they wrote them down directly opposite. So, you've just got to be prepared for that and go over and re plow every ground and analyze every statement - and you've got to be willing to take the risk to do that. And, they're not called the "800 pound gorilla" for nothing. They, I think that they have a new term that I have been introduced to and it's called an "Economic WACO", and that is, "we're not going to actually burn you down now". They have such resources available that they will try to tire you out and make you spend so much money, that at the end of the time you are burned down financially - and then they'll just go on to the next person. They don't care.

Aaron Zelman: These things happened here during the Bush administration if I am not mistaken.

Doug Friesen: Correct.

Aaron Zelman: So, now that we have the Obamanoids running the country, things are only going to get worse., so people should head your words.

Doug Friesen: You know, we say that and of course, and I am as afraid as anybody else as to what's going to happen to the guns. I mean, obviously the people that are in power now don't like it, don't like the guns. Interesting though enough, the Ted Stevens case and the prosecutorial conduct and the lying that occurred in that case, you know, hopefully one of the good things that will come is if anybody can give the government to start looking at itself, in the way that I think there's just kind of an institutionalized perjury that goes on with the ATF. It's kind of, for the lack of a better word, a 'bunker' mentality. It's us against them and we've got to do whatever we've got to do to get them.

Aaron Zelman: You're right, the light of day has to shine on the government or there will be no light of day for us. Would you like to give people some contact information?

Doug Friesen: Absolutely. My name is Doug Friesen - F-R-I-E-S-E-N - and you can reach me at doug@dougfriesen.com and my telephone number is (405) 239 - 2722. And, anybody who has any questions if they've got a case or wants any of the documents I have, I'll be more than happy to furnish them, because I've got boxxes and boxes of them at this point.

Aaron Zelman: Well Doug I want to thank you very much for being our guest on **Talkin' to America**. Our guest again has been **Doug Friesen**, attorney at law, who's been talking about the nightmare he has had with the ATF and how they finally had to back off because they were proven to be the frauds they are. I have been your host **Aaron Zelman**, and again I want to remind you, if you don't defend your rights, don't complain when you lose them.

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