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Sacrebleu! ATF threatens French-style firing squad for agents who leak secrets

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By Kellan Howell - The Washington Times

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After months of anguished debate over mass shootings, gun control and Second Amendment rights, the Justice Department finds itself on the defensive after a training manual surfaced that suggests federal agents could face a firing squad for leaking government secrets.

The online manual for the Bureau of Alcohol, Tobacco, Firearms and Explosives — complete with a photo of a turn-of-the-century firing squad — was obtained by The Washington Times from a concerned federal law enforcement official, and it immediately drew protests from watchdogs who said it showed a lack of sensitivity to gun violence and the continuing hostile environment toward whistleblowers.

Stephen Kohn, executive director of the National Whistleblower Center, said the DOJ has forgotten about the protections of the First Amendment, which covers leaks to the media, and that the photo could scare its employees into self-censorship.

The photo “would have a chilling affect on legitimate speech. And some of the rhetoric used against whistleblowers could be construed as inciting to violence because they’ve turned up the rhetoric,” Mr. Kohn said.

Justice Department officials said the photo was included as a joke and that they were unaware it was viewed as offensive by agents. They plan to remove the entry, but not until the government shutdown is ended and federal officials return to work, said Richard Marianos, the special agent in charge of the Washington division of ATF.

The photo was embedded in the annual Introduction to National Security Information online course for the ATF, the main federal law enforcement agency investigating gun violence and illegal gun trafficking.

Richard Roberts, a public information officer for the International Union of Police Associations, said his opinion is that the photo is nothing more than a humorous attempt to underscore a serious point.

“During many years of law enforcement experience, I can attest to the fact that law enforcement personnel often use gallows humor as a release from the grim realities of the profession,” he said.

But watchdogs raised immediate concern that the image may have an unintended chilling effect on DOJ employees, as the agency has often been criticized for its handling of whistleblowers.

While the DOJ may be making light of a serious policy, Mr. Kohn said the photo was hypocritical, unconstitutional and unprofessional.

“The government leaks information all the time and they get away with it,” Mr. Kohn said. “They don’t go after leaks that they support. The government leaks, and when it is officially condoned they do not investigate or prosecute.”

A major incident that Mr. Kohn referenced was the case of former U.S. Attorney Richard Convertino, who was removed from his position in Michigan by the DOJ after the DOJ leaked negative

information about him.

"It significantly harmed his reputation, turned out not to be true, and we filed a privacy act lawsuit in 2003 and we are still fighting with the Justice Department to try to find out who the source of that leak was," Mr. Kohn said. "They have used well over \$1 million of taxpayer resources to cover up a DOJ employee who violated the law when he leaked information to defame a whistleblower and that's one of the biggest problems with this whole campaign against leaks."

Mr. Kohn said the DOJ has forgotten about the protections of the First Amendment, which covers leaks to the media. There is also Supreme Court precedent in the case of Pickering v. Board of Education which established the constitutional right of public employees to provide information to the news media, he said.

"This is a campaign to silence and intimidate whistleblowers and what is the most troubling part of this aggressive campaign, is that the justice department has completely ignored the first amendment," Mr. Kohn said.

A law enforcement official told The Washington Times that the training materials were assembled for ATF and that the photo appears on a slide deck that was put together by contractors in 2007. The photo has been included in the manual since March 2008.

ATF will be reviewing the materials in the training documents. It's the latest controversy for the law enforcement agency, which has suffered significant repercussions from the ill-conceived Fast and Furious operation that knowingly allowed semiautomatic weapons to flow across the U.S. border and into Mexico's violent drug wars.