

Committee Member:  
A&B Public Safety Subcommittee  
Public Safety  
Rural Development



Committee Chair:  
Criminal Justice and Corrections  
Conference Committee on Criminal  
Justice and Corrections

*Representative Justin JJ Humphrey*  
**House District 19**

August 17, 2023

**Via Electronic Mail**

Attorney General Gentner Drummond  
Office of the Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Pushmataha County Sheriff B.J. Hedgecock  
Pushmataha County Sheriffs Office  
207 SW 3rd Street  
Antlers, OK 74523

Gov. Kevin J. Stitt  
Honorable Gov. Kevin J. Stitt  
2300 N. Lincoln Blvd., Suite 212  
Oklahoma City, OK 73105

All Oklahoma judicial authorities and other law enforcement entities:

On approximately July 27, 2023, I, Rep. Justin "JJ" Humphrey, received a report from Russell Fincher, a citizen of District 19 in Pushmataha County, Oklahoma. He expressed concerns that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) had violated his constitutional and civil rights. Mr. Fincher claimed that the officers' actions appeared intentional, and they deliberately employed intimidation tactics to coerce him into surrendering his federal firearms license.

Mr. Fincher is a distinguished figure in our community, serving both as pastor and schoolteacher in the small community of Clayton, Oklahoma. He is known as a respected member of the community, and I have every reason to believe his account. If proven true, the actions of the ATF agents could be seen as a severe misuse and abuse of their federal law enforcement authority.

In addition to his roles within the community, Mr. Fincher operates a small secondary firearms business. He reported that ATF agents conducted a series of home visits and phone calls to investigate potential irregularities in his firearms business. He cooperated fully, allowing agents to enter his home and answering all questions. He reported that agents attempted an illegal firearm purchase, which he

refused. Despite his cooperation and refusal to engage in an illegal sale, agents conducted a raid on his home in Clayton, Oklahoma.

Mr. Fincher detailed that numerous armed ATF agents stormed into his home, pointing automatic weapons at both him and his 13-year-old son. They handcuffed Mr. Fincher, yelled at him, and used intimidating tactics to terrify both him and his son. After the invasion, Mr. Fincher stated he asked the agents, "Do you want me to terminate my firearm license?" One of the lead agents presented three pre-prepared documents for the termination of his federal firearms license. Mr. Fincher claimed that the intent of the raid was evidently to coerce him into terminating his license. He said agents pressured him to declare that he was willingly signing the three prepared termination papers. He explained that he felt coerced due to the armed agents and the threatening environment. He likened the agents' actions to extortion rather than a proper law enforcement search. One agent reportedly warned, "Tell your firearms buddies we are coming after them." If true, this statement appears to be an unlawful threat by the agent.

Based on Russell Fincher's report, there is a strong likelihood that ATF agents manipulated or used unlawful methods to obtain a search warrant. Beyond the legality of the warrant, it seems that the agents exploited their law enforcement powers to intimidate Mr. Fincher into relinquishing his federal firearms license. Drawing from my approximately 35 years of law enforcement experience, I find the reported actions of the agents, in this case, to be on par with extortion and likely a violation of civil rights. The agents' statement to Mr. Fincher, "We are coming after your firearms friends," constitutes a clear threat and another instance of misuse of their authority. If proven true, these actions by the agent would be illegal and considered a terroristic threat.

I am forwarding this report to all relevant Oklahoma authorities and requesting a thorough investigation to determine whether Mr. Fincher's Second and Fourth Amendment rights under the U.S. Constitution have been violated.

I believe the investigation should encompass the following:

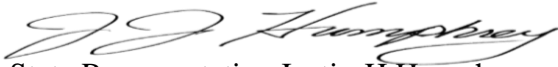
- Whether ATF agents abused their law enforcement powers to coerce and extort Mr. Fincher into terminating his federal firearms license.
- Whether agents issued threats against firearms dealers in Oklahoma.

As an Oklahoma State Representative for the citizens of District 19, I consider it my duty to assert that our state should not permit the intentional and egregious actions of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to infringe upon the rights of Oklahomans to possess and carry firearms. As a legislative body, we have enacted laws to grant law-abiding citizens the right to constitutionally carry firearms and to prohibit the unlawful seizure of such firearms by federal agents under our county sheriff's jurisdiction.

I respectfully urge this investigation to determine whether any of our state laws were violated in the alleged raid on Russell Fincher. The citizens of District 19 and the broader community have a right to understand the facts surrounding this incident. I have faith in the thoroughness and objectivity of your office, and your dedication to justice will prevail.

Thank you for your prompt attention to this issue. I anticipate your response and any updates on the course of action that will be taken to address these concerns.

Sincerely,



State Representative Justin JJ Humphrey

District 19

Chair, Criminal Justice and Corrections Committee