State Attorneys General

A Communication From the Chief Legal Officers of the Following States:

Alabama * Arkansas * Colorado * Florida * Georgia Idaho * Kansas * Kentucky * Louisiana * Michigan * Missouri Montana * Nebraska * Nevada * New Hampshire North Dakota * Oklahoma * South Carolina * South Dakota * Texas Utah * Wisconsin * Wyoming

June 11, 2009

The Honorable Eric Holder United States Attorney General U.S. Department of Justice

<u>Via facsimile</u>

Dear Attorney General Holder:

We the undersigned Attorneys General respectfully write to express our opposition to the reinstatement of the Violent Crime Control and Law Enforcement Act of 1994's semi-automatic firearms prohibition, which is commonly referred to as the assault weapons ban.

As the states' top law enforcement officials, we share the Obama Administration's commitment to reducing illegal drugs and violent crime within the United States. We also share your deep concern about drug cartel violence in Mexico. However, we do not believe that restricting law-abiding Americans' access to certain semi-automatic firearms will resolve any of these problems. So, we were pleased by the President's recent comments indicating his desire to enforce current laws – rather than reinstate the ban on so-called assault weapons.

As you know, the 1994 ban on so-called 'assault weapons' did not apply to machine guns or other fully automatic firearms. Machine gun ownership was first regulated when the National Firearms Act was passed in 1934. And more than twenty years ago, Congress took additional steps to ban fully automatic weapons. Because fully automatic machine guns have already been banned, we do not believe that further restricting law-abiding Americans' access to certain semi-automatic firearms serves any real law enforcement purpose.

Recent public statements by congressional leaders reflect that same view. On February 26, 2009, *The Hill* newspaper quoted the Senate Majority Leader's spokesman saying: "Sen. Reid would oppose an effort [to] reinstate the ban." When House Speaker Nancy Pelosi was recently asked whether she supports reinstating the 1994 ban, the Speaker reportedly responded "No...I think we need to enforce the laws we have right now." We agree with the Speaker and the Majority Leader.

The same sentiment has also been expressed to you by sixty-five (65) Congressional Democrats in a letter dated March 17, 2009. In that letter, they astutely noted, "It is hard to believe the ban would be...effective in controlling crime by well-funded international drug traffickers, who regularly use grenade launchers, anti-tank rockets, and other weapons that are not available on the civilian market in the United States."

Under Title 18, Section 924 of the U.S. Code, knowingly transferring a firearm to an individual who will use that firearm to commit a violent or drug-related crime is already a federal offense. Similarly, it is also a felony to possess a firearm for the purpose of furthering drug trafficking. At a recent Congressional hearing, Kumar Kibble, the Deputy Director of the Immigration and Custom Enforcement's Office of Investigations, testified that the Patriot Act included changes to Title 18, Section 554 of the U.S. Code, which improved federal authorities' ability to investigate and prosecute illegal smuggling.

As Attorneys General, we are committed to defending our constituents' constitutional rights – including their constitutionally-protected right to keep and bear arms. This duty is particularly important in light of the United States Supreme Court's recent Heller decision, which held that the Second Amendment "elevated above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home." The high court's landmark decision affirmed that individual Americans have a constitutionally-protected right to keep and bear arms. We, the undersigned Attorneys General, are staunch defenders of that right and believe that it should not be encroached upon without sound justification – and a clear law enforcement purpose.

We are pleased that the Administration appears to conform with the Congressional leadership's position on this very important issue. Importantly, the White House website no longer calls for the reinstatement of the 1994 ban. In fact, it expressly acknowledges "the great conservation legacy of America's hunters." We share that appreciation for hunters and are committed to defending our Second Amendment rights—which is why we believe that additional gun control laws are unnecessary. Instead, authorities need to enforce laws that are already in place.

As Attorneys General, we look forward to working with you and President Obama on commonsense law enforcement solutions to transnational crime. We stand ready to cooperate and collaborate on crime prevention and law enforcement initiatives that will protect our constituents, crack down on transnational crime, and help reduce narcotics consumption in the United States. But, for the reasons explained in this letter, we do not believe that reinstating the 1994 assault weapons ban will solve the problems currently facing the United States or Mexico.

Sincerely,

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