



GRAND LODGE FRATERNAL ORDER OF POLICE®

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CHUCK CANTERBURY
NATIONAL PRESIDENT

JAMES O. PASCO, JR.
EXECUTIVE DIRECTOR

21 June 2007

The Honorable Barbara A. Mikulski
Chairman
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Madam Chairman,

I am writing on behalf of the more than 325,000 members of the Fraternal Order of Police to express our strong support for the inclusion of language in the FY 2008 Commerce, Justice, Science and Related Agencies appropriations bill to prohibit disclosure of firearms trace data by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) firearms to non-law enforcement entities.

It is our understanding that you are considering leaving this important provision out of the original draft of the bill, an omission which gives us a great deal of concern. The FOP supported this language at the request of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in FY2003. Prior to the enactment of this language, ATF had been repeatedly forced to go to court to fight the release of this data out of concern that its use by a non-law enforcement entity could have a negative effect on their efforts to investigate illegal gun trafficking and threaten the safety of officers and witnesses. The FOP has supported the language in every subsequent fiscal year and, until recently, this language has been noncontroversial and widely supported in Congress and the law enforcement community. The current imbroglio has been manufactured by an alliance of organizations which are traditionally opposed to the agenda of rank-and-file labor organizations like the FOP and which are fueling their campaign with misrepresentations about the effect of this important provision.

The FOP's support for the prohibition on the release of firearms trace data stems from our genuine concern for the safety of law enforcement officers and the integrity of law enforcement investigations. For example, the disclosure of trace requests can inadvertently reveal the names of undercover officers or informants, endangering their safety. It may also tip off the target of an investigation, as appears to be the case in New York City. According to media reports last year, law enforcement sources cited that as many as "four cases were compromised and an additional 14 were put at risk" by private investigators employed by the city who acted on the basis of trace data. In this case, the investigators conducted out-of-State "sting" operations for the city's civil suit against several gun stores that had been identified through firearms trace data. As a result, several gun trafficking suspects under investigation by law enforcement changed their behavior

—BUILDING ON A PROUD TRADITION—

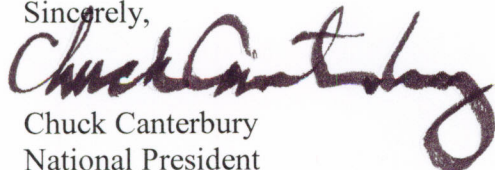
to avoid scrutiny. This is exactly the type of interference that caused the ATF to propose language restricting the access of the data to law enforcement agencies only. It is also for this reason that the FOP so strongly supports its retention in the FY2008 bill.

I also want to address one repeated allegation—that the firearms trace data is withheld by ATF from other law enforcement agencies—and assure you that this is emphatically not the case. In fact, attempts have been made by some organizations to mislead our own membership using this false charge. Firearms trace data is “law enforcement sensitive” and it is collected by ATF specifically to assist other law enforcement agencies in criminal investigations. There is nothing in the law, in regulation, or in ATF’s internal procedures which would prohibit disclosure of firearms trace data to a law enforcement agency or prosecutor which certifies that the data will be used to further a criminal investigation or prosecution. One example of this can be found in the aftermath of the tragic mass shooting at the Virginia Polytechnic Institute and State University (Virginia Tech). The firearms used by Seung-Hui Cho were traced by local law enforcement with the help of ATF within twenty-four hours after the weapons—which had the serial numbers filed off—were recovered from the crime scene.

It is the view of the FOP that this campaign is being pursued for purely political reasons—to assist in civil litigation against firearms dealers and manufacturers. Criminals trafficking in illegal guns should be arrested, prosecuted, convicted and sentenced. If we really want to make a contribution to the investigation and apprehension of those who illegally traffic in, and criminally misuse, firearms, we should increase funding for ATF, not open a revenue stream for cities seeking an edge in civil court.

Madam Chairman, you have always been one of the strongest supporters of ATF and of the reasonable regulation of firearms. Please do not accept this manufactured controversy over the use of the firearms trace database. The men and women in law enforcement who are investigating and prosecuting these cases are our members and they know better than anyone how to best fight trafficking in illegal firearms. The prohibition on the use of the data in civil litigation should remain in the bill and I strongly urge you to retain it. Thank you in advance for considering our view on this issue. Please do not hesitate to contact me or Executive Director Jim Pasco if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chuck Canterbury", with a stylized, flowing script.

Chuck Canterbury
National President

cc: The Honorable Robert C. Byrd, Chairman, Committee on Appropriations
The Honorable Thad Cochran, Ranking Member, Committee on Appropriations



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21 June 2007

The Honorable Richard C. Shelby
Ranking Member
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Shelby,

I am writing on behalf of the membership of the Fraternal Order of Police to express our strong support for language prohibiting the disclosure of firearms trace data by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) firearms to non-law enforcement entities as part of the FY 2008 Commerce, Justice, Science and Related Agencies appropriations bill.

It is our understanding that this provision may not be included in the original draft of the bill, and, if this is the case, we respectfully request that you offer an amendment to restore this language. The FOP first supported the prohibition on the release of firearms trace data at the request of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in FY2003. Prior to the enactment of this language, ATF had been repeatedly forced to go to court to fight the release of this data out of concern that its use by a non-law enforcement entity could have a negative effect on their efforts to investigate illegal gun trafficking and threaten the safety of officers and witnesses. The FOP has supported the language in every subsequent fiscal year and, until recently, this language has been noncontroversial and widely supported in Congress and the law enforcement community. The current imbroglio has been manufactured by an alliance of organizations which are traditionally opposed to the agenda of rank-and-file labor organizations like the FOP and which are fueling their campaign with misrepresentations about the effect of this important provision.

The FOP's support for the prohibition on the release of firearms trace data stems from our genuine concern for the safety of law enforcement officers and the integrity of law enforcement investigations. For example, the disclosure of trace requests can inadvertently reveal the names of undercover officers or informants, endangering their safety. It may also tip off the target of an investigation, as appears to be the case in New York City. According to media reports last year, law enforcement sources cited that as many as "four cases were compromised and an additional 14 were put at risk" by private investigators employed by the city who acted on the basis of trace data. In this case, the investigators conducted out-of-State "sting" operations for the city's civil suit against several gun stores that had been identified through firearms trace data. As a result, several gun trafficking suspects under investigation by law enforcement changed their behavior

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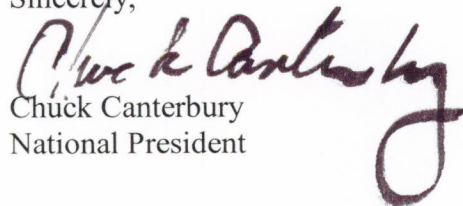
to avoid scrutiny. This is exactly the type of interference that caused the ATF to propose language restricting the access of the data to law enforcement agencies only and it is for this reason that the FOP so strongly supports its inclusion in the FY2008 bill.

I also want to address one repeated allegation made by some organizations on this issue—that the firearms trace data is withheld by ATF from other law enforcement agencies. This is emphatically not the case. Firearms trace data is “law enforcement sensitive” and it is collected by ATF specifically to assist other law enforcement agencies in criminal investigations. There is nothing in the law, in regulation, or in ATF’s internal procedures which would prohibit disclosure of firearms trace data to a law enforcement agency or prosecutor which certifies that the data will be used to further a criminal investigation or prosecution. One example of this can be found in the aftermath of the tragic mass shooting at the Virginia Polytechnic Institute and State University (Virginia Tech). The firearms used by Seung-Hui Cho were traced by local law enforcement with the help of ATF within twenty-four hours after the weapons—which had the serial numbers filed off—were recovered from the crime scene.

It is the view of the FOP that this campaign is being pursued for purely political reasons—to assist in civil litigation against firearms dealers and manufacturers. Criminals trafficking in illegal guns should be arrested, prosecuted, convicted and sentenced. If we really want to make a contribution to the investigation and apprehension of those who illegally traffic in, and criminally misuse, firearms, we should increase funding for ATF, not open a revenue stream for cities seeking an edge in civil court.

On behalf of the more than 325,000 members of the Fraternal Order of Police, I ask that you draft and offer an amendment to the FY08 appropriations bill if the language protecting the firearms trace data is not included in the legislation as introduced. The men and women in law enforcement who are investigating and prosecuting these cases are our members and they know better than anyone how to best fight trafficking in illegal firearms. The prohibition on the use of this law enforcement sensitive data in civil litigation must be included in this legislation and I hope that you will be able to help us ensure that. Thank you for your leadership on this issue and please do not hesitate to contact me or Executive Director Jim Pasco if I can be of any further assistance.

Sincerely,


Chuck Canterbury
National President