

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION

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FAIRFAX, VIRGINIA 22030



NRA

Office of the Executive Director
CHRIS W. COX

April 30, 2007

The Honorable Alberto R. Gonzales
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

On behalf of the millions of members of the National Rifle Association of America, I am writing about the Department of Justice's legislative proposal, now introduced by Senator Frank Lautenberg as S. 1237, that would allow arbitrary denial of Second Amendment rights based on mere "suspicions" of a terrorist threat.

NRA members stand second to no one in our support of the global war on terrorism and our condemnation of terrorists. Thousands of our members have fought our common enemies in Afghanistan and Iraq. Thousands more protect our country as federal, state and local law enforcement officers, firefighters, and other emergency personnel.

We are equally committed to defending and protecting freedom in America. That's why NRA members oppose depriving law-abiding Americans of their constitutional rights without due process of law. Yet that is precisely what this bill would do, by allowing any Attorney General to deny firearm purchases, licenses and permits based only on secret "suspicions," no matter how derived or spelled out.

As DOJ's letter in support of the draft bill makes clear, federal agents may want to allow some firearm sales to go forward, in order to place a suspect under close surveillance without tipping him or her off. We have no problem with that legitimate investigative tactic. But where the prospective buyer poses such a danger that a firearm sale should be denied, that person should be arrested, prosecuted and, if found guilty, imprisoned.

The bill's only nod to due process is that it allows an appeal. Yet even that process is deeply flawed; denied buyers would have to appeal a denial based on "summaries or redacted versions of documents." That may be enough information to tip off a real terrorist about the government's suspicions, and it is not enough information for a wrongfully denied, innocent American citizen seeking to clear his or her name.

In the past, congressional sponsors of similar legislation have claimed it is akin to the government's "no-fly" list, to laws that screen visa applicants, or to laws that allow detention of suspected terrorists. The similarities are not reassuring, as those systems have many errors. Sen. Edward Kennedy (D-Mass.), Rep. John Lewis (D-Ga.), and then-House Transportation Committee chairman Don Young (R-Alaska), for example, have all been shocked to find themselves on the Transportation Security Administration's "no fly" list.

And there are critical differences, which are no less troubling. When we block a suspected terrorist from flying on a commercial plane, or from entering the U.S. on a visa, we are not restricting a constitutional right. Most importantly, when suspected terrorists are detained, they are taken out of circulation and put in places where they cannot harm innocent Americans. This legislation fails to address the fact that terrorist "suspects" denied a legal firearm purchase would simply be turned away, and allowed to roam the streets undeterred.

As many of our friends in law enforcement have rightly pointed out, the word "suspect" has no legal meaning, particularly when it comes to denying constitutional liberties. The American people have no idea how many individuals are currently on terrorism "watch lists", nor the circumstances under which a person is added to or removed from these lists. Denying rights without legal justification, based on little more than "suspicions" and "secret evidence", is an affront to our Constitution and Bill of Rights.

We urge you to reconsider and oppose this proposal, and we urge Congress to reject it. We stand ready to work together on ways to keep America safe while at the same time protecting the constitutional freedoms of law-abiding Americans.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris W. Cox". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Chris W. Cox
Executive Director

cc: The Honorable Richard B. Cheney
The Honorable Harry Reid
The Honorable Mitch McConnell
The Honorable Nancy Pelosi
The Honorable John Boehner
The Honorable Patrick Leahy
The Honorable Arlen Specter
The Honorable John Conyers
The Honorable Lamar Smith
The Honorable Frank Lautenberg