

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030



NRA

Office of the Executive Director
CHRIS W. COX

September 19, 2007

The Honorable Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

One of our members in California has just forwarded us the attached e-mail message from your office. The message discusses your position on S. 1237, a bill that would allow the Attorney General to deny firearm purchases if the person is "suspected" (but not proven) to be involved in terrorist activity.

Your message wrongly claims that "[e]ven the National Rifle Association has endorsed this legislation." The National Rifle Association has opposed this bill from the moment it was introduced.

In fact, the week Sen. Lautenberg introduced S. 1237, we sent the enclosed letter to then-Attorney General Gonzales, with copies to Sen. Lautenberg and congressional leadership in both houses and both parties. The letter expressed our strongest possible opposition to S. 1237.

To be clear, no one is more opposed to terrorists possessing guns than the NRA. NRA strongly supports the war on terror, and we've lost members fighting terrorists in Iraq and Afghanistan. At the same time, we and our members must, above all, defend the constitutional rights of citizens, which S. 1237 would attack.

The letter explained the reasons for our concern, based on the record of errors in "terrorist watch lists" and the lack of opportunity for wrongly affected citizens to correct such classified data. No one should be treated like a criminal—let alone be prosecuted for a crime—just because his name appears on a secret list that he is powerless to correct. As reported in the *Rocky Mountain News* in 2005, Denver FBI spokesman Carl Schlaff said there's no cause to deny someone a gun just because he or she is on the watch list. Some people are on the list simply because the FBI wants to interview them about someone else who may have a connection to terrorism. "You're innocent until proven guilty," Schlaff said.

Given our clear position, I ask you to acknowledge this letter by sending follow-up messages and letters correcting this misstatement, to any constituents who may have received your letter or e-mail message claiming NRA support for this bill.

If you have any questions about this request or about our position on S. 1237, please don't hesitate to contact me personally.

Sincerely,

Chris W. Cox

-----Original Message-----

From: senator@feinstein.senate.gov [mailto:senator@feinstein.senate.gov]

Sent: [REDACTED]

To: [REDACTED]

Subject: U.S. Senator Dianne Feinstein responding to your message

Dear Mr [REDACTED]

Thank you for contacting me to express your opposition to the "Denying Firearms and Explosives to Dangerous Terrorists Act of 2007" (S. 1237). I appreciate you taking the time to write, and I welcome the opportunity to respond.

The "Denying Firearms and Explosives to Dangerous Terrorists Act" (S. 1237) was introduced by Senator Frank Lautenberg (D-NJ). As you know, S. 1237 would prohibit the sale or distribution of firearms or explosives to any individual whom the Attorney General has determined to be engaged in terrorist activities. Additionally, it would permit the Attorney General to withhold information in firearms and explosives license denial revocation suits if the Attorney General determines that the disclosure of such information would likely compromise national security.

While I appreciate your opposition to this bill, I have decided to cosponsor this legislation. Even the National Rifle Association has endorsed this legislation, and I believe it strikes the right balance. In my opinion, it is vitally important that we act now to keep guns out of the hands of suspected terrorists. This bill also addresses many of your stated concerns by providing remedies for those who believe they have unfairly been denied the right to purchase weapons.

Once again, thank you for your letter. Please know that while we may not agree on this issue, it is important for me to hear the opinions of constituents throughout the legislative process and I hope you will continue to keep me informed on matters of importance to you. Best regards.

Sincerely yours,

Dianne Feinstein
United States Senator

Further information about my position on issues of concern to California and the Nation are available at my website <http://feinstein.senate.gov/public/>. You can also receive electronic e-mail updates by subscribing to my e-mail list at <http://feinstein.senate.gov/public/index.cfm?FuseAction=ENewsletterSignup.Signup>.

9/19/2007

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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,



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