



Legal Community Against Violence

expertise, information & advocacy to end gun violence

VIA FACSIMILE AND U.S. MAIL

February 19, 2009

President Barack H. Obama  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

**Re: Removal of Tiahrt Amendments from FY 2010 Budget**

Dear President Obama,

On behalf of Legal Community Against Violence (LCAV), I write to thank you for your support for sensible gun laws generally, and for your opposition to the so-called Tiahrt Amendments, annual riders attached to U.S. Department of Justice appropriations bills since 2003. As you know, those Amendments currently: 1) prohibit the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) from releasing gun trace data; 2) require the destruction of approved gun purchaser records within 24 hours; and 3) prohibit ATF from requiring gun dealers to submit inventories. LCAV urges you to remove these dangerous Amendments from the Fiscal Year 2010 Budget.

LCAV is a national law center dedicated to reducing gun violence. Formed in the wake of an assault weapon massacre at a San Francisco law firm, LCAV provides free legal assistance to elected officials, government attorneys and activists working to prevent gun violence. Our web site, [www.lcav.org](http://www.lcav.org), provides summaries of all federal and state gun laws, as well as an in-depth discussion of more than 30 firearm-related policies. The site also includes model laws and other LCAV publications, including the 2008 Edition of "Regulating Guns in America: An Evaluation and Comparative Analysis of Federal, State and Selected Local Gun Laws," a copy of which is enclosed.

The Tiahrt Amendments Significantly Restrict Law Enforcement's Ability to Investigate Gun Crimes and Prosecute Unscrupulous Gun Dealers

Restrictions on Crime Gun Trace Data

The Tiahrt Amendments prohibit ATF from disclosing crime gun trace data except in connection with a specific criminal investigation. As a result, law enforcement agencies are unable to access aggregated data to examine patterns of gun trafficking or identify gun dealers linked to large numbers of crime guns. Law enforcement organizations have expressed overwhelming opposition to these trace data restrictions: 238 state and local law enforcement executives, 23 state or regional law enforcement associations, and 11 national law enforcement associations oppose the Tiahrt restrictions.

LCAV recently learned how the Tiahrt trace data restrictions are impeding efforts by the California Department of Justice (DOJ) to prosecute gun dealers who feed the illegal gun market in Mexico. On the basis of Tiahrt, ATF has refused a request by DOJ for data related to crime guns recovered in Mexico and traced back to firearms dealers in California, significantly hindering DOJ's efforts to identify and investigate those dealers. It is ironic that federal law permits law enforcement agencies in Mexico to access ATF trace data, but does not allow law enforcement agencies in this country to do so.

The ATF restrictions on trace data are not limited to law enforcement: the Tiahrt Amendments also preclude disclosure of gun trace data to members of the public, including researchers and litigants in lawsuits against the gun industry. Prior to Tiahrt, these individuals were able to use gun trace data in important analyses of the sources of crime guns. Because of Tiahrt, however, this critical source of information has evaporated.

Repeal of the trace data restriction is widely supported by elected officials nationwide, including the more than 300 mayors in 40 states that comprise Mayors Against Illegal Guns, [www.mayorsagainstillegalguns.org](http://www.mayorsagainstillegalguns.org). LCAV is pleased that you have pledged to remove this restriction from your budget.

#### Mandatory 24-Hour Destruction of Gun Purchaser Records

The Tiahrt Amendments also require that approved gun purchaser records be destroyed within 24 hours, making it extremely difficult for ATF to retrieve firearms from prohibited persons who are mistakenly sold guns, or to quickly and efficiently trace crime guns.

Records of completed firearm sales are invaluable tools for law enforcement. These records are most useful when they are collected in a central database and retained permanently. In California, for example, handgun sales records are permanently retained in a DOJ database. As a result, law enforcement agencies in the state are able to quickly trace the ownership of handguns recovered in crime. Records regarding firearm ownership are also used to protect officers responding to incidents and to facilitate the relinquishment of firearms by persons who are convicted of a felony or otherwise become ineligible to possess guns.

The Tiahrt 24-hour purchaser record destruction requirement severely hampers law enforcement's efforts in this regard and should be removed.<sup>1</sup>

#### Prohibition on Gun Dealer Inventories

The third Tiahrt provision, which prohibits ATF from requiring gun dealers to submit inventories, should also be removed so that ATF is empowered to require this common

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<sup>1</sup> Note that when the Brady background check law first went into effect, the U.S. Department of Justice retained approved purchaser records for 180 days. The retention period was later reduced to 90 days. There is simply no reason, however, for these critical records to be destroyed at all.

sense measure. Gun dealer inventories facilitate enforcement of the federal law requiring dealers to report the loss or theft of firearms and help law enforcement oversee the more than 50,000 firearms dealers nationwide. According to a 2008 analysis by the Brady Center to Prevent Gun Violence, more than 30,000 guns were “missing” from gun dealers in 2007. Gun dealer inventories will force gun dealers to keep control of their inventories and help prevent corrupt gun dealers from supplying the illegal market and then claiming that their firearms have simply disappeared.

### Conclusion

As discussed above, the Tiahrt Amendments significantly impede law enforcement, benefitting only criminals and reckless gun dealers. LCAV urges you to remove these Amendments from the Fiscal Year 2010 Budget.

Thank you very much for your consideration.

Very truly yours,

Juliet A. Leftwich  
Legal Director

cc: Eric Holder, Attorney General, [askdoj@usdoj.gov](mailto:askdoj@usdoj.gov)  
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Chairman Daniel Inouye, Senate Appropriations Committee (Fax: 202-224-6747)  
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Chairwoman Barbara Mikulski, Senate Appropriations Subcommittee on Commerce, Justice and Science (Fax: 202-224-8858)  
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