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February 22, 2013

The President
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

Like you, our prayers and sympathies go out to the numerous victims of violence across our country, particularly the families of those taken from us in Newtown, CT. As the nation continues to heal its wounds following that senseless tragedy, it is important that we examine the numerous federal laws dealing with the purchase and possession of firearms.

Unfortunately, during your Administration, federal firearms prosecutions have fallen to the lowest levels in over a decade. Figures collected by Syracuse University's TRAC project show that firearms prosecutions peaked at 11,015 under the previous Administration in 2004 and that your Administration prosecuted only 7,774 firearms cases in 2012.[1] We are sure you find this 30% decline as alarming as we do. Even more troubling is that some of the jurisdictions suffering the most from firearms violence have the lowest rates of federal firearms prosecutions. Your hometown of Chicago, for instance, ranks 80th out of the 93 US Attorneys' Offices nationally in this category.[2] For a city that saw 506 murders last year, it is appalling that the US Attorney's office in that jurisdiction only prosecuted 25 federal firearms prosecutions during 2011.

Part of the decision making process as to whether additional laws are necessary to combat future violence is whether the existing federal firearms laws are being enforced. Currently, federal law requires criminal history background checks by the Federal Bureau of Investigation (FBI) through the National Instant Criminal Background Check System (NICS) and state agencies on persons who attempt to purchase a firearm from a licensed dealer. An Alcohol, Tobacco, Firearms, and Explosives (ATF) Form 4473 must be filled out and submitted by any purchaser of a firearm from a federally licensed firearms dealer so that an instant background check may be run on the purchaser. Providing false information on Form 4473 is a violation of federal law. The form requires the purchaser to state whether or not he is the true purchaser of the firearm. In 2010, there were 76,142 NICS denials screened by the ATF's Denial

[1] See http://trac.syr.edu/tracreports/crim/307/
[2] See http://trac.syr.edu/tracreports/crim/249/

Enforcement and NICS Intelligence (DENI) Branch. Of those screened, 4,732 denials were referred to field offices for investigation. However, only 62 prosecutions resulted from these actions.[3] A prosecution rate this low is not indicative of a Department of Justice that takes the act of illegally attempting to acquire a firearm seriously.

It is imprudent to simply call for more laws, without examining the efficacy of the current laws.

Accordingly, we are concurrently writing to your Attorney General, Eric Holder, requesting that he provide the House Committee on the Judiciary all relevant data pertaining to the prosecutions of federal firearms violations for the previous eleven years. It is our sincere hope that he provides that information in a timely and responsive manner. We are certain that you share our concern on the declining number of federal firearms prosecutions and will direct your Attorney General and Department of Justice to more aggressively pursue prosecutions of federal firearms crimes.

Given the tragic consequences of Operation Fast and Furious and the declining number of federal firearms prosecutions, it is imperative that the Department of Justice become the promoter and defender of public safety it was intended to be. Thank you for your prompt attention to these important national matters.

Sincerely,

Bob Goodlatte
Chairman

F. James Sensenbrenner

Howard Coble

Spencer Bachus

J. Randy Forbes

[3] See https://www.ncjrs.gov/pdffiles1/bjs/grants/239272.pdf

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cc: John Conyers, Ranking Member
Bobby Scott, Ranking Member, Subcommittee on Crime, Terrorism, Homeland Security and Investigations
The Honorable Eric Holder, Attorney General