

GOVERNMENTAL AFFAIRS
OFFICE

AMERICAN BAR ASSOCIATION

Governmental Affairs Office

740 Fifteenth Street, NW
Washington, DC 20005-1022
(202) 662-1760
FAX: (202) 662-1762

DIRECTOR
Robert D. Evans
(202) 662-1765
rdevans@staff.abanet.org

DEPUTY DIRECTOR
Denise A. Cardman
(202) 662-1761
cardmand@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL
R. Larson Frisby
(202) 662-1098
frisbyr@staff.abanet.org

Lillian B. Gaskin
(202) 662-1768
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL
Kristi Gaines
(202) 662-1763
gainesk@staff.abanet.org

Kenneth J. Goldsmith
(202) 662-1789
goldsmithk@staff.abanet.org

Kerry M. Lawrence
(202) 662-1766
lawrenck@staff.abanet.org

Ellen McBarnette
(202) 662-1767
mcbarnee@staff.abanet.org

E. Bruce Nicholson
(202) 662-1769
nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS
OPERATIONS/LEGISLATIVE COUNSEL
Julie M. Strandlie
(202) 662-1764
strandlj@staff.abanet.org

INTELLECTUAL PROPERTY
LAW CONSULTANT
Hayden Gregory
(202) 662-1772
gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL
Rita C. Aguilar
(202) 662-1780
aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT
Julie Pasatiempo
(202) 662-1776
jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR
INFORMATION SERVICES
Sharon Greene
(202) 662-1014
greenes@staff.abanet.org

EDITOR WASHINGTON LETTER
Rhonda J. McMillion
(202) 662-1017

May 7, 2007

The Honorable Alan B. Mollohan
Chair, Subcommittee on Commerce,
Justice, Science, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515-6015

The Honorable Rodney P. Frelinghuysen
Ranking Member, Subcommittee on
Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
Washington, DC 20515-6015

Dear Chair Mollohan and Ranking Member Frelinghuysen:

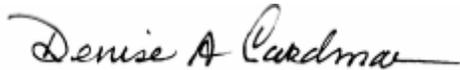
Your Subcommittee will soon consider Fiscal Year 2008 appropriations recommendations for the Departments of Commerce, Justice, Science, and Related Agencies. On behalf of the American Bar Association, I am writing to urge your support for striking language known collectively as the “Tiarhrt Amendments,” legislative riders that have been attached to annual U.S. Department of Justice appropriations bills for the last four years.

The Tiarhrt Amendment provisions unduly hamstring the ability of federal, state and local law enforcement to investigate many types of gun crimes. The current language prohibits the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATFE) from using appropriated funds to share or disclose crime gun trace data except in the narrow connection with a particular law enforcement investigation and then only information that pertains to the geographic jurisdiction of the law enforcement agency involved may be shared. The Tiarhrt Amendment prevents ATFE from releasing broader crime gun trace or data regarding multiple sales – often a leading indicator pointing to illegal gun trafficking – to the public or even fellow law enforcement agencies in the states or localities. ATFE is also prohibited from disclosing data in response to civil litigation discovery requests. These restrictions were added to previous appropriations bills without a separate floor vote or debate.

The Tiahrt Amendment provisions severely restrict and hamper coordination of law enforcement investigations and public scrutiny of illegal gun trafficking. ATFE clearly stated in its 2000 Report, *Commerce in Firearms in the United States*, that the collection and dissemination of this crime gun data is needed for effective law enforcement strategies aimed at illegal gun trafficking. Its analysis of crime gun traces and multiple sales reports led to development of series of “gun trafficking indicators” that most often have been found linked to particular corrupt firearm dealers, including: multiple crime guns traced to a federal firearms licensee (FFL) or first retail purchaser; significant or frequently reported firearms thefts or losses by an FFL; frequent multiple sales of handguns by an FFL or multiple purchases of firearms by a non-licensee, combined with crime gun traces; short time-to-crime for crime guns traced to an FFL or first time retail purchaser; and incomplete trace results, due to an unresponsive FFL or other causes.

We agree with the over 150 Mayors and the overwhelming majority of law enforcement organizations that have called for repeal of the Tiahrt Amendment. We urge the Subcommittee to strike the collective four-years of legislative riders and restore ATFE authority to use crime gun tracing data to combat illegal gun trafficking.

Sincerely,

A handwritten signature in cursive script that reads "Denise A. Cardman". The signature is written in black ink and is positioned above the typed name and title.

Denise A. Cardman
Acting Director

cc: Members of the Subcommittee