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May 7, 2007

The Honorable Barbara A. Mikulski
Chair, Subcommittee on Commerce,
Justice, Science, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510-6025

The Honorable Richard C. Shelby
Ranking Member, Subcommittee on
Commerce, Justice, Science, and Related Agencies
United States Senate
Washington, DC 20510-6025

Dear Chair Mikulski and Ranking Member Shelby:

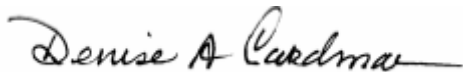
Your Subcommittee will soon consider Fiscal Year 2008 appropriations recommendations for the Departments of Commerce, Justice, Science, and Related Agencies. On behalf of the American Bar Association, I am writing to urge your support for striking language known collectively as the "Tiahrt Amendments,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

The Tiahrt 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 Tiahrt 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