



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

May 3, 2007

The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
810 Seventh Avenue, NW
Washington, DC 20531

Dear Attorney General Gonzales:

About a year ago, when we met in New York's City Hall, I explained our adamant opposition to the "Tiahrt Amendment," an appropriations rider that restricts state and local law enforcement's access to the database of crime guns maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As any police chief will tell you, crime gun trace data holds the key to unlocking one of the most difficult and deadly problems facing America: the growing black market for illegal guns. That is why the Tiahrt Amendment is opposed, not only by our growing bi-partisan coalition of Mayors Against Illegal Guns, which now numbers more than 215 mayors, but also by the International Association of Chiefs of Police, the Major Cities Chiefs Association, and more than two dozen other national and state law enforcement bodies.

Police and prosecutors must have the freedom to gather evidence and build cases on the facts without being handcuffed by the special interests of the gun lobby. We recognize that the Tiahrt Amendment does not prevent law enforcement from learning trace information for one particular crime gun. But the severe limits it imposes on the police and prosecutors rob us of our best opportunity to identify the trends and patterns that define the illegal gun black market. Without the aggregate data, police and prosecutors are forced to combat the illegal gun trade one gun at a time, and are unable to mount an effective attack on illegal gun traffickers and the dealers who break the law by selling to them. This puts the safety of police officers and citizens at great risk.

To justify the restrictions on trace data, supporters of the Tiahrt Amendment grasp at straws. Their chief argument concerns the need to protect the anonymity of undercover officers. Yet, over the course of the many years in which the data was released, no one – including Rep. Tiahrt and the ATF – has been able to identify a single instance when trace data compromised the anonymity of an officer or the integrity of an investigation, a fact highlighted by a federal panel of judges in a 2002 decision. (I am enclosing a copy of that decision.) Nevertheless, we have always said that we would be happy to include language protecting the anonymity of undercover officers. The unwillingness of ATF and Rep. Tiahrt to take such an approach demonstrates the extent to which these restrictions are being driven by political considerations, not law enforcement realities.

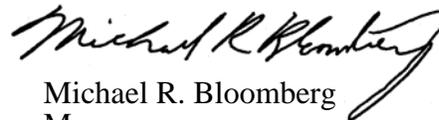
In our meeting, you promised to give the Tiahrt Amendment full consideration. Yet this year, your Justice Department has submitted an appropriations request to Congress that not only largely retains the Tiahrt language, but makes it even worse, adding provisions that would

require police officers to certify the reasons for their use of trace data, which could result in criminal prosecutions of police officers. This represents a stunning about-face for the Justice Department, which just last year opposed similar penalties, stating they “may have a chilling effect on the use by law enforcement of the trace service ATF provides...[that] could have adverse consequences for law enforcement operations and officer safety.”

We are at a loss to explain the Justice Department’s flip-flop on this issue, or how the nation’s top law enforcement agency could advocate criminalizing good police work. Although the Tiahrt Amendment began in Congress, your Department has now become complicit in this disgrace. There is no place for politics when it comes to protecting the public – and there should be no tolerance for lax enforcement of the law. Yet the ATF’s efforts against illegal guns have been so lethargic that we have been forced to take matters into our own hands, filing suit against 27 out-of-state dealers we caught breaking federal law. I am pleased to report that 12 of them have agreed to our settlement terms, which will ensure that they follow the federal laws that ATF has been failing to adequately enforce.

Over the last few months, our bi-partisan coalition of Mayors Against Illegal Guns has been gaining greater bi-partisan support in Congress, as well as in the court of public opinion. We hope you will join us in opposing efforts that compromise the integrity, independence, and effectiveness of prosecutors and police.

Sincerely,



Michael R. Bloomberg
Mayor

MRB:fb

cc: The Honorable John A. Boehner
The Honorable John Conyers Jr.
The Honorable Rahm Emanuel
The Honorable Michael Ferguson
The Honorable Rodney Frelinghuysen
The Honorable Pete King
The Honorable Mark Kirk
The Honorable Jerry Lewis
The Honorable Allan Mollohan
The Honorable David R. Obey
The Honorable Nancy Pelosi
The Honorable Charles B. Rangel
Michael J. Sullivan, Acting Director, ATF
Members of Mayors Against Illegal Guns

The Honorable Robert C. Byrd
The Honorable Thad Cochran
The Honorable Mitch McConnell
The Honorable Barbara Mikulski
The Honorable Harry Reid
The Honorable Richard C. Shelby