Congress of the United States
Washington, DC 20515

February 12, 2009

The President
The White House
Washington D.C. 20500

Dear Mr. President:

We write to urge you to return to enforcement of the ban on imported assault weapons, including those that are fully manufactured abroad as well as those imported as parts, which was previously enforced during the administrations of Presidents George H.W. Bush and Bill Clinton. We believe that this issue has important implications for domestic public safety, homeland security, and our bilateral relationship with Mexico.

In the last eight years, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has almost completely abrogated the ban on imported assault rifles. This ban – first established nearly 20 years ago – was authorized by provisions in the 1968 Gun Control Act allowing ATF to prohibit the importation of firearms and ammunition that are not "particularly suitable for or readily adaptable to sporting purposes." The import restriction is independent of the Assault Weapons Ban of 1994, and was not affected by its "sunset" in 2004.

The ban on assault weapon imports was first enforced by the George H.W. Bush Administration in response to growing threats to law enforcement personnel from the increased use of assault weapons by drug traffickers and in mass shootings, like the Stockton schoolyard massacre in 1989. The import restrictions were later strengthened in 1998 by the Clinton Administration to address foreign manufacturers that were evading the ban by making minor cosmetic changes to their weapons. The definition was changed to include any assault rifle with the "ability to accept a detachable large capacity magazine originally designed and produced for a military assault weapon."

Unfortunately, in recent years, ATF has quietly abandoned enforcement of the import ban. As a result, the civilian firearms market is flooded with imported, inexpensive military-style assault weapons from primarily former Eastern bloc countries including Romania, Bulgaria and the former Yugoslavia. Importers are also able to skirt the restrictions by bringing in assault weapons parts and reassembling them with a small number of US-made parts. Assault weapon "parts kits" for assembly by individuals are also being imported. ATF has further weakened the prohibition by placing certain extremely problematic assault rifles on the "curios or relics" list, making certain firearms automatically eligible for importation.

The noxious results of reversing long-established policy extend beyond our borders and are directly affecting our foreign policy. Assault weapons are being smuggled in bulk

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from U.S. border states to Mexico where they are used by narco-traffickers to fuel a drug war that is killing Mexican law enforcement and other officials at alarming rates.

The violence in Mexico has reached crisis proportions. In December, Mexican Attorney General Eduardo Medina Mora reported that the total number of organized crime-related homicides in 2008 had reached 5,700, more than double the previous record of approximately 2,700 set in 2007. The 2008 total includes 944 people killed in November alone, the deadliest month in Mexico's history, in terms of drug violence. In addition, the Attorney General confirmed that nearly 15 percent of the victims of the violence were members of law enforcement or the military. He also projected that the country's drug violence has not yet peaked, and is expected to continue during the first few months of 2009. When the Merida Initiative was announced in October 2007, the George W. Bush Administration made a commitment to "intensify efforts" to combat the trafficking of guns from the U.S. into Mexico. A return to the enforcement of the ban on the import of all assault weapons would help us to live up to this commitment.

Not only is the violence in Mexico already spilling over the border into the U.S., but the prevalence of imported assault weapons in the hands of criminals has made "officer survival" a critical issue for many urban law enforcement agencies. The Miami Police Department has reported a steep rise in the number of murders and other crimes committed with assault weapons; a Romanian WASR-10 (AK-type) assault weapon was used to kill two Fairfax, Virginia police officers in 2006; a Romanian WASR-10 assault weapon was used in a mass shooting that left eight dead at a mall in rural Omaha, Nebraska in 2007. The *Associated Press* conducted an analysis showing that the number of AK variants traced to crime by ATF has increased from 1,140 in 1993 to 8,547 in 2007.

These are just the sort of incidents and statistics that prompted the George H.W. Bush Administration to take action to halt assault weapons imports in 1989, and we believe demonstrate the importance of returning to enforcing the import ban once again.

We ask that you direct ATF to act in accordance with the 1968 Gun Control Act and return to enforcing the ban on the import of all assault weapons, both those that are fully manufactured abroad as well as those imported as parts. By restoring these important restrictions, we will be able to help reduce violence here in the United States, while also sending an important signal to our friends in Mexico. Thank you for your attention to this urgent matter.

Sincerely,

Eliot L. Engel
Chairman
Subcommittee on the
Western Hemisphere

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Member of Congress

Carolyn McCarthy
Member of Congress

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