February 11, 2013

RE: U.S. Mayors Call on Congress to Support Assault Weapons Ban

Dear Speaker Boehner, Majority Leader Reid, Leader Pelosi, and Leader McConnell:

Military-style assault weapons and high-capacity ammunition magazines have been at the center of some of our country’s deadliest mass shootings. Just since July, we have watched in horror as they have been used to gun down moviegoers in an Aurora theater, Sikh worshippers in an Oak Creek temple, and even young children in a Newtown elementary school. In order to prevent the next rampage and help save American lives, our nation needs clear and enforceable legislation that will take these weapons and magazines off our streets.

As the men and women who are responsible for protecting those streets, we write to urge your support for the Assault Weapons Ban of 2013 (S. 150 / H.R. 437), introduced by Senator Dianne Feinstein and Congresswoman Carolyn McCarthy. Our bipartisan coalition of more than 850 U.S. mayors stands firmly behind this bill, which would ban the importation, sale, manufacture, transfer, and possession of assault weapons and high-capacity magazines – with some exceptions, including for law enforcement and military use, as well as for those weapons lawfully owned at the time of enactment.

In an effort to strengthen the now-expired 1994 version of the ban, this legislation would broaden the definition of “assault weapon” to prevent manufacturers from remodeling their weapons to circumvent the law. The new ban would be permanent and would require background checks for grandfathered weapons that are sold or transferred after the enactment date, including those sold or transferred by private sellers. It would also prohibit the sale and transfer of grandfathered high-capacity ammunition magazines.

These measures would go a long way toward ensuring the safety of our communities, and they enjoy the backing of a majority of Americans – including gun owners. While military-style assault weapons and high-capacity magazines often play a prominent role in mass shootings, they are also a common threat in everyday incidents of gun violence that don’t always make national headlines.

According to the Department of Justice, high-capacity magazines are used in 14 to 26 percent of all gun crimes and in 31 to 41 percent of fatal police shootings. As Oklahoma City Police Chief Bill Citty said in January 2011 after one of his officers was fatally ambushed by a teenager with a semiautomatic AR-15: “There are just more and more assault rifles out there, and it is becoming a bigger threat to law enforcement each day. They are outgunned.”

It’s no wonder law enforcement groups across the country support a ban on these military-style weapons and high-capacity magazines, including the International Association of Chiefs of Police (IACP), the Major Cities Chiefs Association (MCC), and the Police Executive Research Forum (PERF).

We hope you will stand up for our communities, our law enforcement officials, and our children by supporting this common-sense proposal to curb gun violence. Far too many Americans are being killed with deadly assault weapons – it’s up to you to act.

Sincerely,

Thomas M. Menino Coalition Co-Chair Mayor of Boston

Michael R. Bloomberg Coalition Co-Chair Mayor of New York City

Re: America's Mayors Urge Congress to Support Making Gun Trafficking a Crime as Part of a Larger Legislative Package to Reduce Gun Violence

Dear Majority Leader Reid, Minority Leader McConnell, Speaker Boehner and Minority Leader Pelosi:

We write on behalf of more than 850 members of the bipartisan coalition of Mayors Against Illegal Guns to urge Congress to help law enforcement fight firearms trafficking by passing legislation that would criminalize gun trafficking. We believe that this policy recommendation, along with legislation requiring background checks for all gun sales, would go a long way toward reducing gun violence. The coalition supports bi-partisan legislation introduced by Senators Gillibrand and Kirk (S.179), Senators Leahy and Durbin (S.54) and Representatives Maloney, Cummings, Meehan and Rigell (H.R.452). Each bill would give law enforcement a badly needed tool to interdict and prosecute the

criminals who are flooding our streets with illegal guns.

Today, there is no clear and effective statute making gun trafficking a crime. Prosecutors have instead been forced to rely on weak laws that prohibit engaging in the business of selling guns without a federal license. Legislation passed in 1986 defines “engaged in the business” as repeatedly selling guns for profit, but includes several exceptions for “occasional sales” and selling from a “personal collection.”1

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has called this definition and its exceptions “needlessly complex” and has said the legal standard “often frustrates the prosecution of people who supply guns to felons and other prohibited

persons.”2 As a result, according to the Justice Department’s Inspector General, U.S. Attorneys decline 25 percent of all ATF cases based on “engaging in a firearms business without a license” while declining only 9 percent of drug conspiracy cases.

Moreover, penalties for the crime are not commensurate with the severity of the offense. Dealing guns without a license carries a prison sentence of only 0 to 5 years, the same as trafficking chicken or livestock. By comparison, sanctions for trafficking stolen goods or drugs are substantially higher; the penalty for trafficking a kilogram of heroin is ten years to life. According to ATF, lenient penalties make it harder to obtain cooperation from defendants when they are arrested, denying law enforcement a critical tool in investigating firearms trafficking.

In addition, Congress needs to strengthen the laws against “straw purchasing” guns. A straw purchaser buys a gun from a licensed dealer and falsely states on the required paperwork that he or she is the actual buyer of the gun, when in fact the purchase is made on behalf of a prohibited purchaser or a gun trafficker who does not want his name on the background check form. Federal law currently regulates straw purchases by prohibiting “lying and buying” on the required paperwork.

The penalty for committing a straw purchase is up to 10 years in prison,4 but, according to ATF officials, the “typical” straw purchase prosecution results only in probation.5 Forty percent of defendants charged and convicted of “lying and buying” received probation.6

Because illegal guns are trafficked across state and international lines, gun trafficking is a federal problem that requires a federal solution. According to the data provided by ATF, 30 percent of traced guns cross state lines after their initial purchase and before they are recovered in crimes. The gun trafficking bills introduced in this Congress, including S.179, S.54 and H.R.452 would provide that federal solution.

S.179 makes it a crime punishable by up to 20 years to transfer or receive guns when the transfer would reasonably result in any serious crime, and H.R.452 makes it a crime punishable by up to 20 years to transfer or purchase a gun for the purpose of giving it to a prohibited person. In both bills, kingpins who supervise at least five other people in a gun-trafficking ring could be punished by up to 25 years in prison. S. 54 would raise the penalties on straw purchasing, making it a crime punishable by up to 20 years for a person to purchase a gun with the intent to transfer it to another person. If the straw purchaser has reason to believe the person will use the gun in a violent crime, the penalty goes up to 30 years.

Congress’s failure to address the flood of illegal guns into our communities continues to fuel violence. Together with proposals to require universal background checks, we believe these federal gun trafficking bills will reduce gun violence. Our Mayors urge you to pass this legislation to give our federal law enforcement the tools they need to punish the gunrunners who endanger our communities.

Sincerely,

Thomas M. Menino Coalition Co-Chair Mayor of Boston

Michael R. Bloomberg Coalition Co-Chair Mayor of New York City