

NATIONAL RIFLE ASSOCIATION OF AMERICA
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NRA

January 9, 2009

The Honorable Patrick J. Leahy, Chairman
The Honorable Arlen Specter, Ranking Member
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Specter,

I am writing to express the National Rifle Association's serious concerns regarding the nomination of Eric Holder as Attorney General of the United States. Mr. Holder has long opposed the Second Amendment's guarantee of an individual right to keep and bear arms, supported extremely restrictive laws that curtail gun owners' rights, and, in one particularly egregious case, was personally involved in prosecuting a gun owner under circumstances where any prosecution at all can only be considered grossly excessive.

While serving as Deputy Attorney General, Mr. Holder said in an appearance on ABC's "This Week" that the Second Amendment "talks about bearing guns in a well regulated militia. And I don't think anywhere it talks about an individual." He said he was not "at all certain that any court [had] ever said" otherwise, disregarding numerous cases in which the U.S. Supreme Court and lower federal and state courts had either stated or clearly implied that the Second Amendment does, indeed, protect an individual right.

Since returning to private practice, Mr. Holder joined a number of other former Justice Department officials in a brief in the case of *District of Columbia v. Heller*, arguing that the District of Columbia's ban on handguns and self-defense in the home was constitutional because the Second Amendment "does not protect firearms possession or use that is unrelated to participation in a well-regulated militia." The Supreme Court universally rejected that view. We believe Mr. Holder's strong and clear personal views on this issue will make it difficult, if not impossible, for him to faithfully protect the Second Amendment rights of law-abiding Americans as Attorney General.

Consistent with his belief that Americans have no individual right to own a firearm, Mr. Holder has supported extremely restrictive gun control legislation. This

included support for a Clinton administration gun control package in 1999 (introduced by Congressman John Conyers as H.R. 1768) that included the following provisions:

- A three-day waiting period on the purchase of handguns, although licensed firearms dealers had already been required for several months to conduct a federal instant background check on all gun buyers
- An increase in the age limit for handgun possession—not just purchase—to 21, treating voters, jurors and members of the armed forces as “juveniles”
- Imposition of criminal liability on adults who allow juveniles to gain access to firearms under some circumstances
- A limit on handgun purchases to one per month
- A requirement for firearms dealers to make monthly reports to ATF of all firearms they receive from non-licensees. This provision would have laid the groundwork for national federal registration of all firearm purchases

Mr. Holder continued this advocacy after leaving the Department. In October 2001, he wrote an op-ed in the *Washington Post* in which he proposed that the Bureau of Alcohol, Tobacco, Firearms and Explosives should get “a record of every firearm sale,” despite the fact that building a Government database of gun owners is a violation of federal law and would be the equivalent of a national gun registration system.

Mr. Holder’s opposition to the rights of gun owners has not been limited to legislative advocacy. It includes at least one especially abusive prosecution.

When Mr. Holder was the U.S. Attorney for the District of Columbia, he was involved in the prosecution of Robert Bieder, an individual who was arrested for carrying a pistol without a D.C. license. Mr. Bieder was a New York City resident. As a small businessman, he had been a victim of several burglaries and armed robberies. As a result, he received a city permit to carry a handgun—a permit granted only rarely in that city.

After visiting Virginia with his family, Mr. Bieder decided to stop in Washington, D.C. to show his young daughter the Capitol. In a misguided attempt to comply with the law, Mr. Bieder was arrested when he tried to leave his gun with the Capitol Police for safekeeping. (Mr. Bieder did this because New York authorities warn permit holders not to leave firearms in unattended vehicles.) After a five-year process that included two trials and two appeals, Mr. Bieder’s conviction was upheld, and he was punished with a \$150 fine.

Mr. Holder was on the briefs for both appeals. Pursuing this trivial case to such lengths imposed substantial costs on taxpayers, with no benefit at all to public safety. A reasonable prosecutor might have exercised his discretion by sending Mr. Bieder home to New York with a far better understanding of the District’s strict gun laws. That Mr. Holder chose to do otherwise raises serious questions about his judgment.

In contrast to that case, Mr. Holder was among those in the Clinton administration who strongly resisted a national expansion of Project Exile, a successful anti-crime

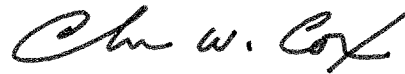
program in Richmond, Virginia that used true “zero-tolerance” federal prosecution of convicted felons, drug dealers and armed robbers to achieve a remarkable reduction in that city’s murder and violent crime rates. Despite the program’s success in Richmond, Philadelphia, and other cities in which it was implemented, Mr. Holder dismissed NRA’s and congressional efforts to implement it nationwide as a “cookie-cutter approach.”

In light of his past positions and actions, we believe that Mr. Holder’s overall record raises substantial concerns about his ability to perform the duties of Attorney General in a manner that respects the Second Amendment rights of law-abiding gun owners. We hope you will consider our concerns carefully as you review his nomination. Should you need any further information, please do not hesitate to contact me personally.

Sincerely,



Wayne LaPierre
Executive Vice President
National Rifle Association



Chris W. Cox
Executive Director
National Rifle Association Institute
for Legislative Action