

AUSTIN KNUDSEN



STATE OF MONTANA

June 21, 2022

The Honorable Charles Schumer
Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable A. Mitchell McConnell
Minority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

Re: Letter of 15 Attorneys General Opposing the Confirmation of Steven Dettelbach to be ATF Director

Dear Senators Schumer and McConnell:

Last year, President Biden nominated David Chipman, a rabid anti-gun rights advocate, to lead the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). After failing to gain support in the Senate, he was forced to withdraw his nominee. Rather than find a qualified individual with a law enforcement background, the President returned to the same well and nominated Steven Dettelbach. As the Attorneys General of our respective states and on behalf of our constituents, we ask you to oppose his confirmation. Now more than ever, we should be prioritizing Americans' safety over the pursuit of ideological hobbyhorses.

President Biden has repeatedly displayed his own ignorance when it comes to firearms and Americans' right to keep and bear them. Misleading at best, even liberal "fact checkers" have repeatedly called his statements false.^{1,2,3} This underscores the importance of an ATF director who will enforce existing laws in an unbiased manner and not merely rubber stamp the President's partisan anti-gun platform.

¹ Louis Jacobson & Amy Sherman, *In gun policy address, Joe Biden exaggerates about background checks at gun shows*, POLITIFACT (Apr. 8, 2021), <https://www.politifact.com/factchecks/2021/apr/08/joe-biden/gun-policy-address-joe-biden-was-wrong-about-backg/>.

² Samantha Putterman, *Fact-checking Biden on gun manufacturers and immunity from lawsuits*, AUSTIN AMERICAN-STATESMAN (June 10, 2022), <https://www.statesman.com/story/news/politics/politifact/2022/06/10/fact-checking-biden-gun-manufacturers-and-immunity-lawsuits/7567267001/>.

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During his confirmation hearing before the Senate Judiciary Committee, Mr. Dettelbach said that “politics can play no role in law enforcement.” We agree, but given Mr. Dettelbach’s history of partisanship and alignment with groups dedicated to erasing the Second Amendment from the U.S. Constitution, his sentiments appear to be hollow platitudes.

Mr. Dettelbach has a long history of activism to restrict Americans’ gun rights, going back to at least 2013 when he appeared alongside representatives from Mayors Against Illegal Guns, the predecessor organization to Everytown for Gun Safety. This group has been described as “Michael Bloomberg’s well-paid propagandists,” as they seek to restrict Americans’ right to defend themselves.⁴ Nearly a decade later, Everytown applauded the “Biden-Harris Administration for doubling down” and nominating yet another anti-gun rights leader for the ATF.

Despite this outright hostility toward Americans’ gun rights, President Biden has tapped Mr. Dettelbach to lead the federal agency tasked with regulating the firearms industry. This industry helps power our economies and provides jobs in many of our communities. In recent years, the ATF has proposed various rules that overstep the authority Congress has granted it, threatening those jobs and the rights of our constituents.

In 2018, the ATF undertook one such encroachment: it attempted to prohibit bump stock accessories by asserting—for the first time—that they transform firearms into “machineguns” under the National Firearms Act of 1934 (NFA). The rule would require those bump stock owners to destroy or turn them over within 90 days, at a cost of millions of dollars in personal property loss. This action not only violates bedrock principles of administrative law and statutory construction; it illustrates how federal agencies like the ATF can endanger Americans’ fundamental rights through incremental and seemingly benign regulatory changes.

In May 2021, the agency proposed Rule 2021R-05, which would monumentally expand the landscape of firearm regulation and clearly exceeds the scope of the ATF’s authority under the Gun Control Act of 1968. The ATF itself acknowledged that the proposed rule—if adopted—would drive many parts manufacturers out of business. By its own estimate, the regulation would shut down 35 businesses at a cost of \$1.1 million, however, that’s an unrealistically rosy estimate. Additionally, the rule will

³ Glenn Kessler, *Biden’s false claim that the 2nd Amendment bans cannon ownership*, THE WASHINGTON POST (June 28, 2021), https://www.washingtonpost.com/politics/2021/06/28/bidens-false-claim-that-2nd-amendment-bans-cannon-ownership/?utm_source=twitter&utm_medium=social&utm_campaign=wp_main.

⁴ Lee Williams, *Everytown blames ‘Stand Your Ground’ laws for skyrocketing murder rates*, SECOND AMENDMENT FOUNDATION, <https://www.saf.org/everytown-blames-stand-your-ground-laws-for-skyrocketing-murder-rates/>.

make it more difficult and expensive for Americans to repair their own firearms and require them to undergo background checks when buying basic firearm parts.

So far in his confirmation process, Mr. Dettelbach hasn't indicated that he would attempt to rein in any of these overreaching actions. And given his previously expressed gun restriction predilections,⁵ it appears he would likely continue or even accelerate the ATF's attempts to restrict Americans' rights and erode constitutional restraints on federal power.

The National African American Gun Association (NAAGA) is similarly troubled by Mr. Dettelbach's nomination and has questioned President Biden's process used to nominate him.⁶ "Like all Americans, we want a fair and transparent process for the selection of our government leadership as we believe this is the best way to ensure that only the most qualified individuals lead our government," NAAGA President Philip Smith has said. "At this time, we are doubtful that such a fair and transparent process has taken place in the nomination of an ATF Director."

In major cities across the Nation, reported incidents of violent crime have skyrocketed.⁷ Smaller cities and rural areas in many of our states have experienced the same violent crime spikes.⁸ With precious few resources to patrol and respond to these crimes in sparsely populated rural areas, county sheriffs and other law enforcement agencies rely on partnerships with federal agencies like the ATF to keep citizens safe.

The ATF's mission is critical: protecting the public from crimes, regulating the lawful commerce in firearms, and providing support to other law enforcement agencies. Safeguarding the lives of Americans by keeping guns out of the hands of violent criminals, gangs, and cartel members should be its focus—not targeting law-abiding gun owners with Mr. Dettelbach's brand of political activism.

⁵ Andy Chow, *Attorney General Candidates Take Different Paths on Guns and School Safety*, WOSU Public Media (Mar. 2, 2018), <https://news.wosu.org/news/2018-03-02/attorney-general-candidates-take-different-paths-on-guns-and-school-safety> (noting Dettelbach's support for "[r]einstating the assault-style weapons ban").

⁶ Stephen Gutowski, *Black Gun-Rights Group Slams ATF Director Demotion, Questions Racial Motivations of Biden Nominations*, THE RELOAD (Apr. 22, 2022), <https://thereload.com/black-gun-rights-group-slams-atf-director-demotion-questions-racial-motivations-of-biden-nominations/>.

⁷ Emma Colton, *Violent crimes on the rise in 2022, following previous unprecedented spike in murder*, FOX NEWS (May 18, 2022), <https://www.foxnews.com/us/major-cities-violent-crimes-data-murders-shootings>.

⁸ Dan Frosch, Kris Maher, & Zusha Elinson, *Rural America Reels From Violent Crime. 'People Lost Their Ever-Lovin' Minds.'*, THE WALL STREET JOURNAL (June 10, 2022), <https://www.wsj.com/articles/violent-crime-rural-america-homicides-pandemic-increase-11654864251>.

The Second Amendment reaffirms our God-given rights to defend our lives, families, property, and freedoms. It has “justly been considered, as the palladium of the liberties of a republic.” Joseph Story, *A FAMILIAR EXPOSITION OF THE CONSTITUTION OF THE UNITED STATES*, § 451. And it is the right upon which all others depend. As state Attorneys General, we have taken oaths to uphold all the rights guaranteed to our constituents by the Constitution of the United States. ATF’s director will operate under a similar oath, and that presents a unique challenge, because ATF regulates in an area that squarely implicates Second Amendment rights. Every official action should therefore be retrained and refined to ensure that those rights remain intact.

Given that serious responsibility—and the current nominee’s track record—we ask you to reject Mr. Dettelbach to lead the Bureau of Alcohol, Tobacco, Firearms, and Explosives. As Americans continue to suffer from the crime wave, the ATF desperately needs a director who will crack down on violent criminals and organizations—not one who will pursue an anti-gun political agenda under the guise of law enforcement.

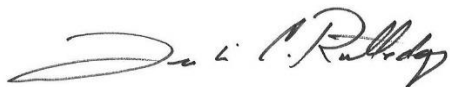
Sincerely,



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Treg R. Taylor
ALASKA ATTORNEY GENERAL



Leslie Rutledge
ARKANSAS ATTORNEY GENERAL



Mark Brnovich
ARIZONA ATTORNEY GENERAL



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John M. O'Connor
OKLAHOMA ATTORNEY GENERAL



Alan Wilson
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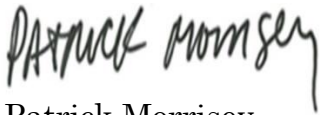
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