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COMMITTEES:

COMMERCE, SCIENCE, AND
TRANSPORTATION

GOVERNMENTAL AFFAIRS

United States Senate

WASHINGTON, DC 20510

March 8, 2005

Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
Washington, DC 20530-0001

Dear Attorney General Gonzales:

Today, the Government Accountability Office (GAO) will release a report that shows that in a five-month period in 2004, individuals listed in the Federal Bureau of Investigation's Violent Gang and Terrorist Organization File (VGTOF) attempted to buy firearms in the U.S., and that your department allowed at least 35 – and possibly as many as 47 – of these purchases to proceed.

The GAO report raises disturbing questions about the way your department is allowing these purchases to go through as “affirmative proceeds” – a process that, under current law, has these records destroyed in 24 hours. As you know, President Bush supported the “Tihart Amendment,” which went into effect on July 21, 2004, that now requires the 24-hour destruction of “affirmative proceeds.” I strongly opposed this unwise change in the law.

This report also begs a fundamental question: should we allow suspected terrorists in the VGTOF file to purchase these weapons in the first place? Common sense would dictate that we shouldn't. However, as you know, the process by which people are listed as suspected terrorists in VGTOF is classified, and your department is best suited to make a judgment about whether these particular people on your list should receive firearms. Therefore, I respectfully request a response from you to the following questions:

1. Should individuals listed in VGTOF be permitted to purchase firearms in the United States? Is there a subset of individuals within VGTOF that should be prohibited from purchasing firearms?
2. Should the “Tihart Amendment” be repealed because it is causing the immediate destruction of critical records regarding the purchase of weapons by suspected terrorists?

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

