

Laurel G. Bellows
President

AMERICAN BAR ASSOCIATION

321 North Clark Street
Chicago, IL 60654-7598
(312) 988-5109
Fax: (312) 988-5100
abapresident@americanbar.org

February 4, 2013

The Honorable Carolyn B. Maloney
United States House of Representatives
2308 Rayburn Office Building
Washington, DC 20515

Dear Representative Maloney:

I write on behalf of the American Bar Association and its nearly 400,000 members nationwide to commend you and Representative Elijah E. Cummings for your exemplary leadership in introducing the Gun Trafficking Prevention Act of 2013, bipartisan legislation supported by most major law enforcement organizations. We strongly support the proposed act, which will amend federal law to strengthen prevention of “straw purchases” of firearms, so that persons aiding and abetting evasion of the background check required for firearms purchasers will face serious criminal penalties and the likelihood of prosecution.

Straw purchases of firearms are one of the most common ways criminals obtain guns. A straw purchase occurs whenever persons who may not legally acquire a firearm, or who wish to do so anonymously, have a companion or colleague buy it on their behalf. ATF has identified straw purchases as the single most significant factor in illegal gun trafficking, accounting for nearly a third of all firearms involved in federal trafficking investigations. In many places, criminals are more likely to obtain their weapons through straw purchases than at gun shows. These straw purchases are regularly used by criminals, criminal gangs and persons disqualified by age, such as the individuals involved in the mass killings at Columbine High School.

Numerous investigations of illegal gun trafficking, including undercover investigations conducted by federal, state and local officials, have found that the current prohibition on false statements regarding the purchase of a gun for the purpose of transfer to an ineligible buyer is widely disregarded by dealers and the persons involved in straw purchases. These criminal violations are also not regularly prosecuted, since the current law is ambiguous, often difficult to prove in court and accompanied by modest criminal penalties that result in these violations being deferred to prosecution of other crimes. We believe your thoughtful legislation will close this gap in current law and help prevent the current widespread evasion of background checks through straw purchasing.

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It is not surprising that the public is demanding action by Congress following the horrific slaughter last month of young children and their teachers at the Sandy Hook Elementary School in Newtown, Connecticut. This event – following on the heels of mass killings at a movie theater in Aurora, Colorado, and mass killings in Tucson, Arizona, that also resulted in severe injuries to former Representative Gabby Giffords – has caused the nation to more fully recognize the danger to the public posed by the weaknesses and flaws in our national background check system that allow ready evasion of background checks and result in easy delivery and access to high-powered firearms to criminals, potential terrorists and the mentally infirm.

We commend you for drafting a narrow and straightforward new law we believe will result in a substantially more enforceable background check system by clarifying current law regarding straw purchases and by increasing penalties for violation of the law. The safety of our children, our communities and Americans will be well served by the swift enactment of this legislation.

The ABA stands ready to work with you and leaders in both parties in the House and the Senate so that the Gun Trafficking Prevention Act of 2013 will become law.

Sincerely,

A handwritten signature in blue ink that reads "Laurel G. Bellows". The signature is written in a cursive, flowing style.

Laurel G. Bellows
President

cc: Representative Elijah E. Cummings