

April 18, 2022

VIA ELECTRONIC TRANSMISSION

President Joseph R. Biden Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

President Biden:

On April 11, the White House announced the formal nomination of former Obama political appointee Steven Dettelbach to serve as ATF Director, as well as announcing executive action on firearms.¹ The executive action includes restraining acquisition of privately made firearms, and casting a wider regulatory net over firearms with split or multi-part receivers.² Finally, the executive action proposes to establish a substantial expansion of the federal firearm records retention policy by eliminating the 20-year record keeping requirement currently imposed on all federal firearm licensees (FFLs).³

The role of the ATF Director is to promote public safety while fairly and even-handedly administering the nation's gun laws. A director must, at a minimum, demonstrate that he or she respects the Second Amendment rights of Americans and can deal fairly with the firearms industry. I intend to fully review Mr. Dettelbach's record, but even a cursory review of his statements about gun ownership demonstrate a lack of awareness of the circumstances surrounding legal gun acquisition, or outright favoritism of expansive gun control. For example, in 2013, while serving as United States Attorney for the Northern District of Ohio, Mr. Dettelbach wrote an article promoting universal background checks.⁴ He stated, "The problem is that, by some estimates, 40 percent of firearm purchases currently fall into what we call the 'gun show loophole.' The purchasers go to a show or buy over the Internet, and guess what? They have no check at all." This is a troubling statement, considering that statistic is false. If someone purchases a firearm from an FFL, regardless of whether at a gun store or a gun show, that dealer

¹ Press Release, Biden-Harris Administration Announces Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety (June 23, 2021), at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/23/fact-sheet-biden-harris-administration-announces-comprehensive-strategy-to-prevent-and-respond-to-gun-crime-and-ensure-public-safety/>.

² *Id.*

³ *Id.*

⁴ Steven M. Dettelbach and Steven C. LaTourette, Cleveland, "Requiring Universal Background Checks Makes Sense" (Apr. 11, 2022) at https://www.cleveland.com/opinion/2013/05/requiring_universal_background.html.

must confirm a person is legally allowed to purchase a gun.⁵ In addition, the Congressional Research Service research shows that firearm sales at gun shows “did not appear to be a significant source of guns” for federal and state prisoners convicted of crimes involving firearms.⁶ I would hope the next director of the ATF is able to distinguish what is a myth vs. what is a reality when it comes to firearms sources for criminals.

Mr. Dettelbach has also advocated for reinstating an “assault-style” firearms ban,⁷ and keeping schools as soft targets for targeted violence by disarming school resources officers who have prior law enforcement or military training.⁸ He also used his Twitter feed to express sympathetic gun control sentiments, in addition to retweeting articles advocating gun control legislation and policies.⁹ The ATF Director’s roles should include having an appreciation for the role that firearms play in the lives of Americans, as well as serving as a credible, effective liaison with the firearm business community. In this light, Mr. Dettelbach’s writings and social media activism are concerning and serve to undermine his ability to carry out those important roles.

During his unsuccessful run for Ohio Attorney General in 2018, Mr. Dettelbach was endorsed by gun control advocate “Everytown for Gun Safety” who stated that “Dettelbach is running on a platform” that includes restricting firearm ownership and expanding background checks.¹⁰ It is troubling to see that gun control advocates like Everytown see Mr. Dettelbach’s nomination as “doubling down” after the previous nominee, David Chipman, failed to be confirmed because of bipartisan opposition.¹¹ This furthers my concerns as to Mr. Dettelbach’s intentions as Director of the ATF.

Along with the nomination of Steven Dettlebach, the White House announced additional steps the Administration is taking to strengthen gun control by regulation, including a final rule submitted to the Federal Register titled “Frame and Receiver” which purports to modernize the

⁵ Sean Davis, *7 Gun Control Myths That Just Won’t Die*, THE FEDERALIST (Oct. 7, 2015), <https://thefederalist.com/2015/10/07/7-gun-control-myths-that-just-wont-die/>.

⁶ WILLIAM J. KROUSE, CONG. RSCH. SERV., R45970 GUN CONTROL: NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) OPERATIONS AND RELATED LEGISLATION 9 (2019).

⁷ Andy Chow, WOSU 89.7 NPR News, “Attorney General Candidates Take Different Paths on Guns and School Safety” (Apr. 11, 2022) at, <https://news.wosu.org/news/2018-03-02/attorney-general-candidates-take-different-paths-on-guns-and-school-safety>.

⁸ *Id.*

⁹ @SteveDettelbach, TWITTER (Aug. 4, 2019, 6:31AM), <https://twitter.com/SteveDettelbach/status/1157962143435763712?cxt=HHwWgMC17eWb9JEgAAAA> (“... Who allows madmen such easy access to firearms?...”); @SteveDettelbach, TWITTER (Aug. 4, 2019, 6:17AM) https://twitter.com/SteveDettelbach/status/1157958665812529153?cxt=HHwWgsC6xa_R8pEgAAAA (retweeting CNN article describing firearm used in shooting as “assault-style rifle”); @SteveDettelbach, TWITTER (Jan. 20, 2020, 11:37PM) https://twitter.com/sandyhook/status/1219479072193110016?cxt=HHwWgIC_0anwuwhAAAA (retweeting petition advocating gun control law).

¹⁰ Press Release, Everytown for Gun Safety, Everytown for Gun Safety Action Fund Endorses Steve Dettelbach for Ohio Attorney General (Oct. 24, 2018), <https://www.everytown.org/press/everytown-for-gun-safety-action-fund-endorses-steve-dettelbach-for-ohio-attorney-general/>.

¹¹ Press Release, Everytown for Gun Safety, Everytown Applauds Biden-Harris Administration’s Finalization of Ghost Guns Rule, Nomination of New ATF Director (Apr. 11, 2022), <https://www.everytown.org/press/everytown-applauds-biden-harris-administrations-finalization-of-ghost-guns-rule-nomination-of-new-atf-director/>.

definition of a firearm. This rule targets privately made firearms, sometimes called “ghost guns” as well as firearms with split or multi-part receivers. It also calls to change the 20-year record keeping requirement currently imposed on all FFLs into a requirement that records be kept indefinitely.¹²

I am troubled by the statement made by the White House in connection with these announcements: “Approximately 20,000 suspected ghost guns reported to ATF as having been recovered by law enforcement in criminal investigations – a ten-fold increase from 2016.”¹³ The Administration’s focus on ghost guns places rhetoric over fact in combating the violent crime surge, and this statement leaves me with more questions than answers. Originally, the Administration attempted to impress on the public the significance of ghost guns by using the number of 325 homicides or attempted homicides connected to ghost guns that were recovered by the ATF between 2016 and 2020.¹⁴ According to the FBI, there were 89,076 homicides in that time, to say nothing of the number of attempted murders.¹⁵ Therefore, less than 0.36% of homicides involved ghost guns. Now the White House has put forward have this 20,000 figure, which (1) does not distinguish between suspected and actual “ghost guns,” (2) does not explain whether the number refers to privately made firearms or includes others, for example guns with damaged or removed serial numbers, and (3) sets no context for the overall firearms seized, or how many crimes were committed using an actual privately made firearm. This is merely another attempt to use misleading statistics that lack context to rally support for failing Democrat policies.

I am also concerned about the unprecedented 30% spike in murders that began as blue cities pulled their police forces off the streets in the summer of 2020. Democrats have recently attempted to shift the blame for the rise in violence in blue cities to not only lawful gun owners, but also conservative states.¹⁶ However, the data from 2020 shows that it is actually the Democrat-led cities within red states that are causing dramatic per capita murder rates. When you remove Jackson, Mississippi’s homicides from Mississippi’s total, the per capita murder rate drops from 10.6 homicides per 100,000 people to 6.3—below the national average of 6.5. Removing Louisville, Kentucky’s homicides cuts Kentucky’s murder rate nearly in half to 3.4. Removing blue St. Louis and Kansas City, Missouri drops the homicide rate from 13 to 5.8. It is

¹² 27 C.F.R. §§ 447, 478, 479, as amended by the Final Rule available at <https://www.atf.gov/firearms/docs/rulemaking/final-rule-2021r-05f-definition-frame-or-receiver-and-identification/download>.

¹³ Press Release, The White House, FACT SHEET: The Biden Administration Cracks Down on Ghost Guns, Ensures That ATF Has the Leadership it Needs to Enforce Our Gun Laws (Apr. 11, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/11/fact-sheet-the-biden-administration-cracks-down-on-ghost-guns-ensures-that-atf-has-the-leadership-it-needs-to-enforce-our-gun-laws/>.

¹⁴ DEP’T OF JUST., JUSTICE DEPARTMENT: VIOLENT CRIME REDUCTION EFFORTS (2021), <https://www.justice.gov/file/1468221/download>.

¹⁵ Uniform Crime Report, Crime in the United States, 2019, Fed. Bureau of Investigation, <https://ucr.fbi.gov/crimein-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-1> (last visited Feb. 7, 2022); see also Ryan Lucas, *FBI Data Shows An Unprecedented Spike In Murders Nationwide In 2020*, NPR (Sep. 27, 2021), <https://www.npr.org/2021/09/27/1040904770/fbi-data-murder-increase-2020>.

¹⁶ Kylie Murdock and Jim Kessler, *The Red State Murder Problem*, THIRD WAY (March 15, 2022), <https://www.thirdway.org/report/the-red-state-murder-problem>.

disturbing to see Democrats refuse to take responsibility for the rising crime rate and find other people to blame, such as lawful firearms owners.

I also have concerns about the impact of this rule on lawful firearms dealers and the firearms industry as a whole. As proposed, this rule not only affects privately made firearms, but would radically alter the manufacturing and compliance processes for manufacturers of conventional firearms.

Unfortunately this is not the first time the Administration has targeted lawful firearms dealers. The Administration's Comprehensive Strategy to Prevent and Respond to Gun Crime included a section on targeting "rogue firearms dealers."¹⁷ This is despite the fact a study conducted by the Department of Justice found that few firearms used in crime are acquired from firearms dealers, about 7%, compared to 56% who stole a firearm or bought it in a black market.¹⁸

The Senate will consider Mr. Dettelbach's nominations in due course. However, publicly available information tells us that Mr. Dettelbach is yet another gun control advocate being put forward for a position that requires respect for the Second Amendment. I strongly advise the Administration to turn back from the rhetoric on ghost guns and FFLs and actually address the policies that have truly contributed to the rise of violent crime in this country.

Sincerely,



Charles E. Grassley

Ranking Member

Committee on the Judiciary

¹⁷ Press Release, Biden-Harris Administration Announces Comprehensive Strategy to Prevent and Respond to Gun Crime and Ensure Public Safety (June 23, 2021), at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/23/fact-sheet-biden-harris-administration-announces-comprehensive-strategy-to-prevent-and-respond-to-gun-crime-and-ensure-public-safety/>.

¹⁸ U.S. Department of Justice, Bureau of Justice Statistics, Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016 (January 2019).