

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, 44 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 of these purchases to proceed.

The GAO report raises disturbing questions about the impact recent statutory record-keeping changes have had on the way certain firearms purchases are processed. 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 records associated with "affirmative proceeds." We strongly opposed this unwise change in the law.

This report also begs a fundamental question: should we allow known or suspected terrorists listed in VGTOF to purchase these weapons in the first place? Common sense would dictate that we should not. However, as you know, the identities and backgrounds of individuals in VGTOF is classified, and the Department of Justice is best suited to make a judgment about whether these individuals should receive firearms.

Therefore, we 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 Should the "Tihart Amendment" be repealed because it is causing the immediate destruction of critical records regarding the purchase of weapons by suspected terrorists?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. We look forward to your response.

Sincerely,


FRANK R. LAUTENBERG


JOSEPH R. BIDEN