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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 14, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Attorney General Garland:

On February 3, the Justice Department (DOJ) released its latest fact sheet on gun violence reduction efforts.¹ This fact sheet discusses policies already promoted by the Biden Administration's June 2021 gun crime strategy. I am concerned that the Biden Administration's strategy, and the DOJ's implementation of it, politicize our response to violent crime. By misdirecting energy to ineffective, partisan gun control solutions, the DOJ will have little to no effect on violent crime. The DOJ will also target and intimidate law-abiding businesses and citizens for exercising their Second Amendment rights.

We have a serious violent crime problem which requires serious policy solutions. At least 16 U.S. cities set murder records in 2021.² A study from last month found that 27 major U.S. cities experienced a 44% increase in homicides since 2019.³ Attacks on law enforcement also continue to rise. In 2021, law enforcement officers were victims of more felonious killings than since the September 11 attacks. Ambush-style attacks on law enforcement spiked 115% in 2021.⁴

Despite this continued rise in violent crime, the DOJ and the President have decided to focus time and taxpayer resources on policies that will not work, including addressing the so-called "Iron Pipeline," ghost guns, and lawful firearms dealers.

According to the fact sheet, the DOJ's "Iron Pipeline" efforts will crack down on illegal gun trafficking from "source cities [and] communities" to five key market regions: New York, Chicago, Los Angeles, the San Francisco Bay area/Sacramento region, and Washington, D.C. The fact sheet creates the false impression that the explosion of crime in Democrat-controlled

¹ U.S. DEP'T OF JUST., *Justice Department: Violent Crime Reduction Efforts*, <https://www.justice.gov/file/1468221/download>.

² Paul Best, *Fraternal Order of Police Accuses White House Press Secretary Psaki of Laughing Off Rising Crime Rates*, FOX NEWS (Feb. 1, 2022), <https://www.foxnews.com/us/fraternal-order-police-accuses-white-house-press-secretary-of-laughing-off-rising-crime-rates>.

³ COUNCIL ON CRIM. JUST., PANDEMIC, SOCIAL UNREST, AND CRIME IN U.S. CITIES: 2021 YEAR-END UPDATE (Jan. 2022), available at <https://counciloncj.org/crime-trends-yearend-2021-update/>.

⁴ @GLFOP, TWITTER (Jan. 24, 2022, 11:30 AM), <https://twitter.com/GLFOP/status/1485651194030743559>.

cities is entirely the fault of states with lower rates of crime. However, data from the Bureau of Alcohol, Tobacco, and Firearms (ATF) shows that this assertion isn't true. In 2020, the most recent year for which data is available, *every state* provided the greatest number of recovered firearms within its own borders. In Illinois, for example, firearms from Illinois accounted for 5,937 recovered guns in Illinois, while neighboring Indiana accounted for only a third of that number. Guns from California account for more of its own firearms recoveries than all other states combined.⁵ New York-sourced guns accounted for almost as many guns recovered in New York as the next two states *combined*.

The President's focus on the "Iron Pipeline" is a political effort to falsely suggest that conservative states with robust legal access to firearms somehow cause crime in Democrat-run cities. This is a distraction from the reality that the explosion of crime in blue cities is directly attributable to those same cities implementing de-policing, installing progressive prosecutors, and enacting disastrous bail reform policies.

The fact sheet also discusses the launch of a National Ghost Gun Enforcement Initiative. It references the 325 homicides or attempted homicides connected to ghost guns recovered by the ATF between 2016 and 2020.⁶ According to the FBI, there were 89,076 homicides in that time,⁷ to say nothing of the number of attempted murders. Therefore, less than 0.36% of homicides involved these ghost guns. Stating the number of homicides committed by ghost guns without accounting for the total number of homicides in the given time period is grossly misleading. Law enforcement should be focusing on the increase of murders, the overwhelming majority of which do not involve ghost guns.

The DOJ is also planning "a new initiative to enhance communication with federal firearms licensees (FFLs)."⁸ ATF will now notify an FFL if a firearm purchased from them was used in a violent crime. As I have stated before, violent criminals should be punished, and anyone who knowingly assists them in unlawfully purchasing a firearm should be held accountable. However, your agency found that only 7% of firearms used in a crime are acquired from legal firearm dealers, compared to the 56% which are stolen or purchased in the black market.⁹ There is no data suggesting that legal firearm dealers are responsible for any significant increase in crime. Once again, your agency, at the President's direction, is spending precious time and resources on a solution that will have minimal effects and will misdirect these resources from violent crime prevention to gun control. I am extremely concerned this continued attention on FFLs by the Biden Administration may result in substantial harassment of legally operated

⁵ *Firearms Trace Data: California-2020 Data Source: Firearms Tracing System January 1, 2020-December 31, 2020*, ATF, <https://www.atf.gov/resource-center/firearms-trace-data-california-2020>

⁶ U.S. DEP'T OF JUST., *Justice Department: Violent Crime Reduction Efforts*, <https://www.justice.gov/file/1468221/download>.

⁷ Uniform Crime Report, *Crime in the United States, 2019*, Fed. Bureau of Investigation, <https://ucr.fbi.gov/crime-in-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>.

⁸ U.S. DEP'T OF JUST., *Justice Department: Violent Crime Reduction Efforts*, <https://www.justice.gov/file/1468221/download>.

⁹ *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016*, U.S. DEP'T OF JUST., OFFICE OF JUSTICE PROGRAMS, <https://bjs.ojp.gov/content/pub/pdf/suficspi16.pdf> (last visited Feb. 4, 2022).

businesses. This may have downstream effects for Americans who require access to firearms for protection from crime.

Finally, this letter is the latest in a long, concerning pattern of your agency's failure to answer my oversight requests. As I told you in an October 2021 oversight hearing, under your leadership the DOJ has failed—across the board—to comply with this Committee's Republican oversight requests. Yet, my Democratic colleagues have received thousands of pages of material. In July of last year, after the release of two concerning documents from the Biden Administration on politicizing law enforcement, including the very gun violence strategy I discuss in this letter, I wrote to the DOJ with a list of questions to ensure it was not being influenced by partisan politics.¹⁰ In October, after not receiving a true response to those questions, I wrote again.¹¹ This month, I received a response from the DOJ indicating that no information would be forthcoming. The lack of response from a Department that purports to be dedicated to transparency, accountability and the rule of law is extremely troubling.

For Congress to engage in appropriate legislation and oversight activity needed to address the alarming rise in violent crime, please provide the following information:

1. How many murders occurred from 2016-2020? How many of those murders involved ghost guns? How many of those murders involved conventional firearms? How many of those murders did not involve a firearm?
2. Is it true that crime began to rise in June 2020, at the time national riots were erupting and depolicing efforts began en masse throughout the country?
3. Is violent crime rising in cities with progressive prosecutors such as NYC, Chicago, Los Angeles, and San Francisco—the very same cities on the strike force list?
4. State and local police are asking federal prosecutors for more assistance fighting crime. Are there any barriers to state and local police asking for more assistance in fighting crime?
5. What percentage of crime are firearms used by the person who purchased them from an FFL?
6. How many FFLs a year knowingly sell a gun to a person who cannot legally possess one?
7. How many FFLs were robbed during the riots that occurred during the summer of 2020? Are these robberies connected to de-policing efforts?
8. Did the cities and states most affected by the riots experience a spike in FFL robberies? Has the percentage of FFL robberies declined since the riots?

¹⁰ *Politics Taking Priority In Justice Dept. "Crime Strategy" And Biden Domestic Extremism Plan, But Were Career Officials Consulted?*, CHUCK GRASSLEY NEWS RELEASES (Jul. 12, 2021), <https://www.grassley.senate.gov/news/news-releases/politics-taking-priority-in-justice-dept-crime-strategy-and-biden-domestic-extremism-plan-but-were-career-officials-consulted>.

¹¹ *Id.*

I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a prominent "C" and "G".

Charles E. Grassley
Ranking Member
Committee on the Judiciary