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United States Senate

September 28, 2011

The Honorable Eric Holder
Attorney General
Department of Justice
950 Pennsylvania Ave, NW, Suite 5111
Washington, DC 20530

The Honorable Arthur Herbert
Assistant Director, Enforcement Programs
Bureau of Alcohol, Tobacco, Firearms and
Explosives
99 New York Avenue, NE, Room 5S144
Washington, DC 20226

Dear Attorney General Holder and Assistant Director Herbert:

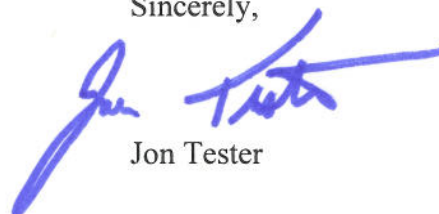
As a staunch defender of the Second Amendment, I write to express my strong objection to the recent guidance issued to federal firearms licensees. These regulatory changes infringe upon the privacy and Second Amendment rights of Montanans while placing an unreasonable burden upon the small business owners who sell firearms and ammunition. The Department of Justice should immediately reconsider this misguided effort.

It is unacceptable that law-abiding citizens would be stripped of their Second Amendment rights simply because they *hold* a state-issued card authorizing the possession and use of marijuana for medicinal purposes. Your guidance would also require gun dealers to obtain knowledge about their customers' medical information before selling them a gun or ammunition. This is an unreasonable invasion of privacy that would both restrict an individual's right to firearms ownership and would impose hefty new compliance requirements on small businesses.

The guidance would force gun dealers and sellers of ammunition to become proxy agents of the Bureau of Alcohol, Tobacco and Firearms and Explosives (ATF). Federal firearms licensees in Montana are dedicated to following ATF regulations, but they are also small business owners. It is unreasonable to require gun dealers to use a "reason to believe" standard when determining whether to sell a firearm or ammunition to a customer. The disclosure burden of the use of controlled substances to determine eligibility should lie upon the purchaser exclusively.

I urge you to immediately reassess this guidance, recognize the chilling effect that it will have on the Second Amendment rights of law-abiding citizens and remove these burdensome and invasive requirements on federal firearms licensees. I appreciate your consideration of this issue and look forward to your response.

Sincerely,



Jon Tester