

State Attorneys General

A Communication from the Chief Legal Officers of the Following States and Territories:

**Alabama * Arizona * Arkansas * Florida * Georgia
Idaho * Kansas * Kentucky * Louisiana * Michigan
Mississippi * Montana * Nebraska * Nevada * North Dakota
Ohio * Oklahoma * Pennsylvania * South Carolina
South Dakota * Texas * Utah * Wyoming**

March 16, 2015

Hon. B. Todd Jones, Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Washington, DC 20226

Re: AP Ammunition Comments

Dear Director Jones:

We, the undersigned state attorneys general of Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, and Wyoming, are writing to you regarding the “ATF Framework for Determining Whether Certain Projectiles are ‘Primarily Intended for Sporting Purposes’ Within the Meaning of 18 U.S.C. § 921(a)(17)(C)”, and specifically ATF’s proposal to ban the M855 5.56 x 45 mm cartridge. We applaud your recent decision not to issue a final framework on this proposal, at least for now, and we strongly encourage you not to revive it.

We represent our respective states as each state’s Chief Law Enforcement Officer, and in that role we directly oversee or work directly with numerous federal, state, tribal, and local law enforcement agencies. We, as much as anyone, want to do the utmost to ensure that our brave men and women that serve in law enforcement are safe. The proposed ATF ban on M855 5.56 ammunition, however, does not advance that goal. Instead, it threatens Second Amendment freedoms and deprives shooting sports enthusiasts of a popular cartridge for a popular rifle.

As an initial matter, ATF’s justification for proposing the ban is arbitrary and, if followed to its logical end, could be used to ban a wide range of rifle ammunition. As we are sure you are aware, just about any rifle round could theoretically pierce soft body armor under certain conditions. The M855 is not unique in this regard. And although concealable hand guns can technically be chambered in these rounds (even if very rarely),

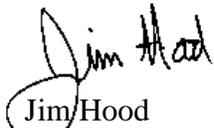
that is an insufficient reason to ban ammunition absent actual evidence that it poses a particular threat to law enforcement.

As law enforcement organizations such as the Fraternal Order of Police have recently described, the 5.56 M855 cartridge does not pose a particular threat to law enforcement. Indeed, we are aware of no examples in our states in which this round has been used against law enforcement in a concealed weapon.

Rather, the 5.56 cartridge (including the M855 variety) is used in the Modern Sporting Rifle (or AR-15) and is one of the most popular target shooting rounds on the market. It is also an effective round that ranchers and other land owners use to protect their land and livestock from predators and varmints. These are legal and productive business and sporting purposes of the 5.56 M855 cartridge that the Second Amendment protects. ATF's decision to ban it would, simply put, be an abuse of its authority.

We strongly encourage you to reject this ill-advised proposal and uphold the Second Amendment rights of our citizens.

Sincerely,



Jim Hood
Mississippi Attorney General



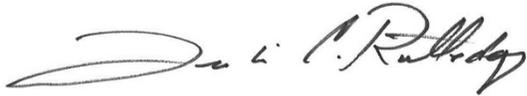
Tim Fox
Montana Attorney General



Luther Strange
Alabama Attorney General



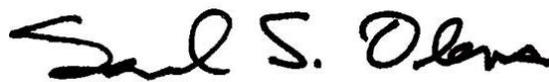
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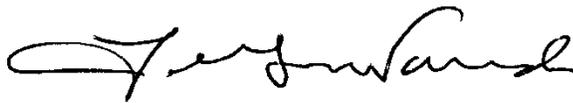
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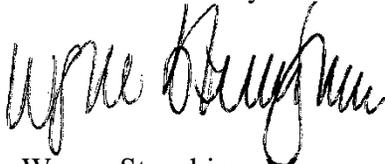
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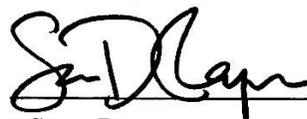
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