

Ms. Regina Lombardo, Acting Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dear Director Lombardo,

Brady writes this letter to further a goal I hope we both share – to prevent deaths and injuries from firearms.

Brady was disturbed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) April 10 letter to gun dealers which suggested that drive-through gun stores or gun-selling tables in parking lots were appropriate and legal ways to sell firearms. This message is wrong – and, worse, it is potentially dangerous. Guns should not be sold like fast food or lemonade.

Brady requests that ATF withdraw those recommendations. Selling a firearm is a serious matter, one requiring that the gun seller be confident that the gun buyer is a legal purchaser and not a straw buyer or trafficker. And while a potential gun buyer almost certainly has been told of the safety benefits guns provide, a buyer should be aware of the risks of bringing a gun into one's home, and how to minimize those risks. The quick-order gun sales ATF appears to approve of in its letter make it less likely that these critical inquiries and assessments will be performed. Indeed, even before you recommended these less safe procedures, some gun dealers expressed concerns about the safety of some COVID-19-panic gun buyers who are not sufficiently trained in firearms.¹ Furthermore, we question the ATF's industry guidance that gun sales outside of a physical store are legal so long as they take place on land controlled by and adjacent to the Federal Firearm Licensee (FFL).² The parking lot, or outside a drive-through window, are ***not*** "the property" on which licensed sales are supposed to occur.³

Of additional concern is that these drastic changes to how FFLs can engage in the business of selling firearms are being made during a national emergency which may be limiting ATF dealer inspections. Limited FFL inspections would make these new recommendations even more dangerous.

Even more concerning is that although this letter was issued in response to COVID-19, it does not state that drive-through or parking lot sales are limited in duration to the ongoing State of Emergency as declared by the President.⁴ You should clarify if these procedures will continue

¹ Ann Givens, "The Coronavirus Has Gun Sales Soaring. His Fear Is Selling to the Wrong Person," *The Trace*, April 10, 2020, available at <https://www.thetrace.org/2020/04/the-coronavirus-has-gun-sales-soaring-his-fear-is-selling-to-the-wrong-person/>

² "Business Premises Guidances for FFLs," Enforcement Programs and Services, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, April 10, 2020, available at <https://www.atf.gov/firearms/docs/open-letter/atf-business-premises-guidance-letter-4-10-2020/download>

³ See, 27 C.F.R. § 478.11

⁴ See "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (Covid-19) Outbreak," March 13, 2020, available at [whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/](https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/)

to be allowed when the coronavirus pandemic is less acute and life returns to some semblance of normalcy.

The ATF has long acknowledged that FFLs constitute the front line of defense in the struggle to ensure that guns do not end up in the wrong hands.⁵ Now, in the midst of a pandemic, we should not be undermining well-established and important standards. Rather, the ATF should be calling on FFLs to take additional measures in order to be as vigilant as possible during these times, such as employing the Brady Gun Dealer Code of Conduct recommended safe business practices that prevent straw purchasers, firearms traffickers, and other prohibited purchasers from diverting firearms into the illegal market. Further, ATF should call on FFLs to provide purchasers with information about the dangers of unsecured firearms and ammunition in the home, which too often result in deadly incidents of family fire. As FFLs are already obligated to offer, or verify the possession of, safe storage devices with all handgun purchases, providing such guidance should naturally follow from this directive.⁶

We strongly urge ATF to withdraw its recommendations and instead promote safer practices FFLs can undertake to further ensure public safety and ensure that the public health epidemic of gun violence is not further exacerbated.

We are available to discuss these or other measures that can help save lives, and we are happy to meet – six feet apart, for now, by the videoconference service of your choice.

Be safe. Let's save lives together.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kris Brown', with a stylized, cursive script.

Kris Brown

⁵ Bureau of Alcohol, Tobacco, Firearms and Explosives, Safety and Security Information for Federal Firearms Licensees, ATF Pub. 3317.2 (2010) available at <https://www.atf.gov/firearms/docs/guide/safety-and-security-information-federal-firearms-licensees-atf-p-33172/download>

⁶ See, 18 U.S.C. § 922(z)