

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

Dear Attorney General Garland:

We write in support of the survivors and relatives of those injured or killed when a gunman opened fire during church services on November 5, 2017, in Sutherland Springs, Texas. The families of the 26 people who were killed and the 22 more who were wounded have spent almost five years fighting for justice, a process that has been retraumatizing, painful, and needlessly protracted.

As you are aware, after a lengthy and agonizing trial, the court concluded that the Government was responsible for the Sutherland Springs victims' death and injuries because the Government failed to exercise reasonable care in submitting the gunman's criminal history to the FBI.¹ The court also concluded that in addition to the prohibitory conviction for sexual assault, the Government had prior and specific knowledge of numerous allegations of sexual assault, violence and even threats of gun violence.² Upon the determination that the Government was responsible, the families then had to participate in a second trial where the court determined the amount of damages the Government owes them as compensation for causing them harm. Simply stated, after two trials and many years, the Government was deemed liable and responsible, and the families were awarded damages accordingly.

However, on June 6, 2022, the Government filed an appeal seeking to overturn those rulings, further delaying justice for the victims as they approach the five-year anniversary of their tragedy. In doing so, the Government's apparent refusal to accept responsibility for its failure in this case actively undermines the very gun safety laws it is required to enforce. In seeking this appeal, the Government is choosing to prolong the suffering that grieving families and injured survivors will endure through gratuitous and drawn-out legal processes.

As advocates of gun violence prevention, and many of us survivors, we know too well the importance of proper implementation and enforcement of Brady Background Checks. This system helps ensure that those who are legally prohibited from buying guns are unable to do so, and it is imperative the Government acknowledges that fact with action, not just words. Accordingly, when the Government fails to uphold its explicit obligations within the Brady Background Check system, as it did here, it must take responsibility for the preventable violence and tragedy that ensues. Refusal to do so not only undermines the integrity and the importance of our nation's gun violence prevention laws, but it also abandons the Government's promise to keep communities safe by preventing prohibited persons from purchasing firearms.

The Government must accept responsibility for its failures that enabled the Sutherland Spring gunman to erroneously pass a background check and obtain the murder weapon, just as it did in lawsuits arising from the shootings in Parkland and Charleston, both of which alleged similar legal theories. It is time for the Government to honor its gun safety narrative by standing up for the Brady Background Check system and these victims of gun violence.

The undersigned respectfully request that you withdraw your appeal. As the court determined, the Government's actions and inactions caused many to die, and many more to be injured. The entire community continues to suffer irreparable trauma. It is imperative that the Government wholly

and responsibly implement and uphold the very gun safety laws and systems it created, including comprehensively maintaining the life-saving National Instant Criminal Background Check System (NICS) system. It is well past time for the Government to accept responsibility for its failure to do so in this case, to be held accountable for that lethal inaction, and to send a message that it is committed to preventing future instances of gun violence. Justice delayed by this appeal is justice denied.

Please allow these victims to finally close this horrific chapter of their lives and move forward.

Please make this country a safer place.

Please withdraw your appeal.

Please deliver justice.

Sincerely,

Advocates for Change
Alliance for Gun Responsibility
Amnesty International USA
Ban Assault Weapons NOW!
Battle Born Progress - Nevada
Brady
CeaseFirePA Education Fund
Change The Ref
Chi-Town GVP Summit
Everytown for Gun Safety
Common Defense
Falmouth Gun Safety Coalition
Grandparents For Gun Safety (KS & MO)
Gun Sense VT
Gun Violence Prevention PAC
Guns Down America
March for Our Lives
Marylanders to Prevent Gun Violence
Moms Demand Action

New Yorkers Against Gun Violence
Newtown Action Alliance
No Future Without Today
Not My Generation
Orange Ribbons For Gun Safety
Prevent Gun Violence Florida, Inc.
Protect Minnesota
Safer Country
States United to Prevent Gun Violence
Survivors Lead
Team ENOUGH
Texas Gun Sense
The McClain foundation
The Ohio Council of Churches
This Is Our Lane
Violent Crime Survivors
WAVE Educational Fund
Women Against Gun Violence

1. *Holcombe v. United States*, No. SA-18-CV-555-XR, 2021 WL 2821125, at *51 (W.D. Tex. July 6, 2021)
2. *Holcombe v. United States*: ECF 452; *Findings of Fact and Conclusions of Law* from Liability Trial; Pages 22-23; Paragraph 88 and Page 13; Paragraphs 55, 80-81)