



U.S. Department of Justice

Office of the Deputy Attorney General


The Deputy Attorney General

Washington, D.C. 20530

June 15, 2004

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM:


James B. Comey
Deputy Attorney General

SUBJECT: Prosecution of Prohibited Persons Attempting to Purchase Firearms

The aggressive prosecution of firearms cases has a direct and almost immediate impact on public safety. Because of your tremendous efforts with the Project Safe Neighborhoods initiative during the last three years, federal firearms prosecutions have increased dramatically, and there have been one million fewer violent crimes. In fact, according to the Bureau of Justice Statistics, violent crime is at its lowest rate in 30 years.

As members of the federal law enforcement community, we should all feel proud of this accomplishment. Nonetheless, more can and must be done to continue to rid our communities of those who would use firearms for illegal and violent purposes. Although we should continue to vigilantly investigate and prosecute those who illegally possess firearms, we must also concentrate our attention on those who attempt to do so.

It is the policy of the Department of Justice to vigorously investigate and prosecute those who attempt to illegally obtain a firearm by lying about their criminal record. These so-called "lie and try" cases take criminals off the street before they can obtain a gun and commit a violent crime.

Accordingly, with respect to such cases, I am directing all United States Attorneys to do the following:

1. Examine your prosecution guidelines to ensure that they are consistent with the Department's policy of vigorously investigating and prosecuting those who attempt to illegally obtain a firearm by lying about their criminal record;
2. Meet with the ATF Special Agent in Charge in your district to discuss and reconcile any inconsistencies with the criteria ATF uses to bring such cases to your office; and
3. Carefully review all cases to ensure vigorous enforcement and adherence to Department policy.

Ensuring public safety is one of the critical missions of the Department of Justice. By continuing to increase the number of gun crimes prosecuted, we will continue to meet this critical mission.