



State of West Virginia
Office of the Attorney General

Patrick Morrissey
Attorney General

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(304) 558-2021
Fax (304) 558-0140

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:

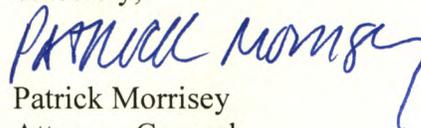
I join the concerns of the other state attorneys general who have written to you about the "ATF Framework for Determining Whether Certain Projectiles are 'Primarily Intended for Sporting Purposes' Within the Meaning of 18 U.S.C. 921(a)(17)(C)," and ATF's proposal to ban the M855 5.56 x 45 mm cartridge. I too applaud your recent decision not to issue a final framework and strongly encourage you not to enact the proposed framework at a later date.

As the Chief Legal Officer of the State of West Virginia, I take very seriously the enforcement of the law and the protection of law enforcement officers. But the proposed ban does not serve either of these ends. The ATF has produced no evidence that the M855 poses a particular threat against law enforcement officers. Instead, the proposed ban seeks to eliminate a popular cartridge that is in wide use for sporting purposes including target shooting and hunting.

The ATF's justification for the ban of this popular sporting cartridge is arbitrary. Almost any rifle cartridge could, in theory, pierce soft body armor in the correct conditions. Singling out this popular sporting cartridge is an arbitrary and unnecessary threat to the Second Amendment freedoms of citizens and sports enthusiasts in West Virginia and other states.

For these reasons, I again commend your recent decision not to issue a final framework, and I strongly encourage you to uphold the Second Amendment rights of the citizens of West Virginia and not to issue a final framework in the future.

Sincerely,


Patrick Morrissey
Attorney General