



January 24, 2024

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Stefanie Feldman
Director, White House Office of Gun Violence Prevention
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden and Director Feldman:

We, Indiana, Iowa, Missouri, and Montana, and the undersigned States of Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming, and the North Carolina House of Representatives, write to express sincere concerns with our Democrat colleagues' letter dated January 9, 2024, concerning Lake City Army Ammunition Plant ("Lake City"). The United States Supreme Court stated definitively that the Second Amendment guarantees a personal right to each law-abiding citizen to "keep and bear arms."¹ But Americans cannot exercise this constitutionally protected right to use their firearms without access to ammunition. If your office does what the Democrat attorneys general ask, then ammunition prices will increase, and ammunition availability will decrease. And those restrictions on ammunition will not resolve any of the ills discussed by our colleagues. Those attorneys general wrote to you casting aspersions and requesting an investigation of Lake City because they allege that the plant's commercial ammunition was used in mass shootings. Perhaps those States should focus more on prosecuting crime to stop mass shootings—rather than trying to stop lawful Americans' use of guns and ammunition. Their tactic is an overt attempt to punish Americans' exercise of their Second Amendment rights. The undersigned States take an unapologetic stand to defend the Second Amendment and to set the record straight as to the facts.

The Democrats' letter contains a litany of errors. These errors demonstrate our colleagues' outright ignorance of firearms and ammunition. Chiefly, they allege that ammunition manufactured for "military use" does not belong in our communities. First, the ammunition manufactured at Lake City and sold into the commercial market is not the primary rifle cartridge used by the United States military. The primary cartridge is proprietary to the Army and may not

¹ *District of Columbia v. Heller*, 554 U.S. 570 (2008).

be sold commercially. Second, while the United States military purchases and uses a particular type of ammunition, that is not determinative as to whether it is “military ammunition” that should be banned for public use. If the United States military using ammunition precluded that ammunition’s use by civilians, then other widely and commonly available ammunition, including 9mm and 12-gauge shotshells, would also be prohibited for public use. Indeed, *Heller* does not support such an openly artificial distinction.² Lake City only sells ammunition to commercial customers that is legal to manufacture. Lake City complies with all the Bureau of Alcohol, Tobacco, Firearms and Explosives’ (“ATF”) requirements.

Gun control advocates are firing blanks when they contend that taxpayers are subsidizing mass shooters. They get causality backward. The law-abiding target shooters and gun owners who buy Lake City ammunition are subsidizing national defense and military readiness. Indeed, Lake City is not the sole source of any of the types of ammunition manufactured and sold commercially. Several other U.S. ammunition manufacturers make and sell the same types of ammunition for civilian use. That ammunition is also imported into the U.S. by foreign manufacturers. If gun control proponents’ goal is to cut off the civilian ammunition supply, ending commercial sales from Lake City will not achieve their objective. But it will undermine national security and result in an increase of reliance on foreign-made ammunition—to the detriment of U.S. manufacturers.

Our country needs to prioritize military readiness. Our military must be focused on ensuring that it is the most lethal and prepared in the world. The Department of Defense has long included a section in the Lake City operating contract to allow for the commercial use of the facility. That is for the express purpose of supporting military readiness. DOD implemented that contract section because at the onset of the wars in Iraq and Afghanistan the Lake City arsenal was unable to meet the U.S. military’s needs. That section in the Lake City contract was—and remains—a sound policy choice. As we confront an increasingly dangerous world with unpredictable adversaries, now is not the time to undermine our military readiness.

This is not the first time that gun control advocates have targeted Lake City. In 2015, the federal government sought to choke off the supply of M855 ammunition. ATF attempted to set arbitrary guidelines for determining whether certain ammunition met the 1986 Law Enforcement Officer Protection Act’s “sporting purposes” exemption.³ That would have drastically limited access to rifle ammunition used for activities like target shooting and hunting. After ATF’s misguided attempt elicited massive outrage, the Obama Administration revoked its attempted ban.

Lake City cannot halt commercial use without a detrimental loss to our communities and economy. If stopped, it will result in an estimated loss of 500–700 jobs or 30%–45% of the skilled workforce now employed at Lake City and countless more throughout the supply chain.⁴ In Missouri, the 3,935 acres Lake City Army Ammunition Plant is the largest producer of small arms

² *Id.* at 582.

³ Bureau of Alcohol, Tobacco, Firearms and Explosives, *Armor Piercing Ammunition Exemption Framework* (February 27, 2015), <https://www.atf.gov/news/pr/armor-piercing-ammunition-exemption-framework>.

⁴ Stephen Gutowski, Winchester, *NSSF Say Biden Admin Aiming to Cut Off Sizable Chunk of Civilian AR-15 Ammo Supply*, THE RELOAD (June 16, 2022), <https://thereload.com/winchester-nssf-claim-biden-admin-aiming-to-cut-off-sizable-chunk-of-civilian-ar-15-ammo-supply>.

ammunition reportedly producing over one billion rounds of ammunition per year and employing approximately 1,700 workers.⁵

DOD sought to avoid a situation when the military needs surge due to a real-world conflict, ammunition is not readily available. Ammunition availability requires facilities, production equipment, a skilled workforce, and supply chains to remain in constant operation. Machines and production cannot be turned on like the flip of a switch. It takes time to hire and train the highly skilled workers needed to operate production lines to manufacture the highest quality ammunition for U.S. warfighters. Commercial production has allowed Lake City, and its suppliers, to maintain steady labor, maximize equipment run time, ensure a stable supply base, and provide a level of readiness to the U.S. military that would not otherwise be available.

Do not be fooled. The anti-gun radicals leading this effort are not honest brokers interested in public safety. This is part of an ongoing, and constitutionally dubious agenda to stop commercial ammunition sales in order to weaken the Second Amendment. Gun control advocates want to criminalize making ammunition even while many push back against prosecuting criminals that fire weapons. Perpetrators of gun violence should be punished—not the firearm and ammunition manufacturers. It is for that reason, when crime too often goes unchecked and mass shootings are on the rise, law-abiding citizens need the ability to arm themselves with effective weapons.

We live in volatile times. Our country needs to be prepared to face foreign adversaries rather than focusing on destroying the Second Amendment and crippling the firearm and ammunition market. We need to be primed at any moment to increase production and provide our military with much-needed ammunition to provide protection domestically and to our international allies. Lake City remains a vital part of the past, present, and future of the U.S. Military and military readiness. Rather than pushing Lake City out of business, we should be thanking them for the role they play in arming our military.

We strongly advise against heeding the Democrat attorneys general request to investigate Lake City. There are no allegations of wrongdoing that could justify placing such unreasonable limits on Lake City or any other firearm, parts, or ammunition manufacturer. If this course continues, we intend to take any and every action necessary to defend our citizens' Second Amendment rights.

Sincerely,

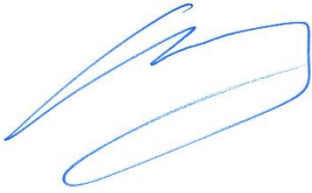


Todd Rokita
Attorney General of Indiana



Brenna Bird
Attorney General of Iowa

⁵ Press Release, Senator Sam Graves, Graves Secures Funding to Save 500+ Jobs at Lake City Army Ammunition Plant in House Bill (March 10, 2022), <https://graves.house.gov/media/press-releases/graves-secures-funding-save-500-jobs-lake-city-army-ammunition-plant-house#:~:text=The%20funding%20will%20help%20preserve,Missouri's%206th%20Congressional%20District.>



Andrew Bailey
Attorney General of Missouri



Austin Knudsen
Attorney General of Montana



Steve Marshall
Attorney General of Alabama



Treg Taylor
Attorney General of Alaska



Tim Griffin
Attorney General of Arkansas



Ashley Moody
Attorney General of Florida



Christopher M. Carr
Attorney General of Georgia



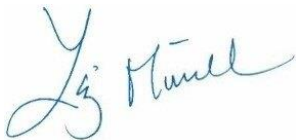
Raúl Labrador
Attorney General of Idaho



Kris Kobach
Attorney General of Kansas



Russell Coleman
Attorney General of Kentucky



Liz Murrill
Attorney General of Louisiana



Lynn Fitch
Attorney General of Mississippi



Mike Hilgers
Attorney General of Nebraska



John Formella
Attorney General of New Hampshire



Drew Wrigley
Attorney General of North Dakota



Gentner Drummond
Attorney General of Oklahoma



Marty Jackley
Attorney General of South Dakota



Ken Paxton
Attorney General of Texas



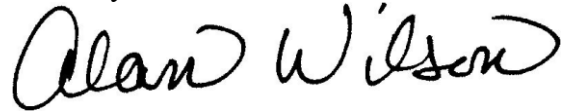
Jason Miyares
Attorney General of Virginia



Bridget Hill
Attorney General of Wyoming



Dave Yost
Attorney General of Ohio



Alan Wilson
Attorney General of South Carolina



Jonathan Skrmetti
Attorney General of Tennessee



Sean Reyes
Attorney General of Utah



Patrick Morrisey
Attorney General of West Virginia



Speaker Tim Moore
North Carolina House of Representatives