

October 9, 2018

The Honorable Charles Grassley
Chairman, Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member, Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Nomination of Chad A. Readler to the United States Court of Appeals for the Sixth Circuit

Dear Chairman Grassley and Ranking Member Feinstein:

On behalf of Giffords Law Center to Prevent Gun Violence, I write to urge you to reject the nomination of Chad Readler to serve on the United States Court of Appeals for the Sixth Circuit.

Established 25 years ago after a mass shooting at a law firm, Giffords Law Center is the legal arm of the gun-violence-prevention organization led by former Congresswoman Gabrielle Giffords and navy combat veteran and retired NASA astronaut Mark Kelly. The organization is dedicated to researching, writing, and defending laws that reduce gun violence, and we weigh in on judicial nominations only in very rare cases when compelled by a nominee's record on gun safety. Indeed, Giffords Law Center has opposed only two of President Trump's nearly 140 nominees for seats on lower federal courts: Brett Talley and Howard Nielson. But because of Chad Readler's dangerous views on gun policy—and his efforts to make downloadable guns available to anyone with an internet browser and a 3-D printer—Giffords Law Center must object in the strongest possible terms to his nomination to the Sixth Circuit.

When, several years ago, a company led by a self-described “crypto-anarchist” sought to make Computer Aided Design (CAD) files for the automated production of firearms using 3-D printers available on the internet, the federal government promptly—and wisely—intervened. Beginning in 2015, and as recently as this April, the government objected to these efforts because they would make undetectable and untraceable guns available to anyone in the world, including foreign terrorists, violent felons, and domestic abusers subject to protection orders. Citing important national defense and national security interests, the courts uniformly sided with the government's efforts to restrict downloadable guns.¹

But in June of this year, following a legal strategy overseen by Chad Readler, the Trump administration abruptly—and without explanation—changed course and withdrew its objections to downloadable guns.² Indeed, the administration not only gave a green light to distributing deadly weapons via the internet, but even agreed to pay the

¹ See, e.g., *Def. Distributed v. U.S. Dep't of State*, 838 F.3d 451, 461 (5th Cir. 2016).

² See *Def. Distributed v. U.S. Dep't of State*, Joint Settlement Status Report, No. 15-372 (W.D. Tex. June 28, 2018).

legal fees of the company seeking to make 3D-printed guns widely available.³ And when a coalition of state attorneys general sued to stop this alarming threat to public safety, Readler's legal team again rejected public safety and national security concerns and sided with a figure who said of his efforts: "All this Parkland stuff, the students, all these dreams of 'common sense gun reforms?' No. The internet will serve guns, the gun is downloadable."⁴

Mr. Readler's nomination for a life-tenured federal judgeship should be rejected on the basis of his irresponsible and dangerous efforts on behalf of the Trump administration to make undetectable, untraceable firearms available to anyone in the world with an internet connection and a 3-D printer.

Alarmed by the Trump administration's capitulation to proponents of downloadable, 3-D printed guns—and other decisions sought and praised by the National Rifle Association—Giffords Law Center has filed public records requests for gun-lobby communications with the administration, including communications with Chad Readler. But the administration has stone-walled and failed to comply with its statutory duty to respond to this public records request. This intransigence has left Giffords Law Center with no option but to file a lawsuit seeking to compel compliance with the Freedom of Information Act.

Today, Giffords Law Center sued the Trump administration to obtain public records including any communications on downloadable guns or other gun-lobby priorities between representatives of the gun lobby and Chad Readler.⁵ At a time when the administration is unlawfully refusing to produce such communications, confirming him to a lifetime-tenured seat on the Sixth Circuit would be as irresponsible as it would be inappropriate.

As an organization dedicated to reducing gun violence in America, Giffords Law Center must oppose his nomination. We urge you to vote against confirming Chad Readler to be a federal circuit court judge.

Sincerely,



Robyn Thomas
Executive Director

³ Tiffany Hsu and Alan Feuer, *'Downloadable Gun' Clears a Legal Obstacle, and Activists Are Alarmed*, N.Y. Times, July 13, 2018.

⁴ See *State of Washington v. U.S. Dep't of State*, Federal Defendants' Brief in Opposition to Plaintiffs' Emergency Motion for Temporary Restraining Order, No. 18-1115 (W.D. Wash. July 31, 2018); see also Andy Greenberg, *A Landmark Legal Shift Opens Pandora's Box for DIY Guns*, Wired, July 18, 2018.

⁵ See *Giffords Law Center to Prevent Gun Violence v. U.S. Dep't of Justice*, Complaint, No. 18-06171 (N.D. Cal. Oct. 9, 2018). A copy of the Complaint is attached hereto as Exhibit A.