

NATIONAL RIFLE ASSOCIATION OF AMERICA
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NRA

July 23, 2009

The Honorable Harry Reid
Majority Leader
United States Senate
S-221 The Capitol
Washington, D.C. 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
S-230 The Capitol
Washington, D.C. 20510

Dear Leader Reid and Leader McConnell:

We are writing to express the National Rifle Association's opposition to the confirmation of Judge Sonia Sotomayor as Associate Justice of the United States Supreme Court.

From the outset, the National Rifle Association respected the confirmation process and hoped for mainstream answers to bedrock questions. Unfortunately, Judge Sotomayor's judicial record and testimony during the Senate Judiciary Committee hearings clearly demonstrate a hostile view of the Second Amendment and the fundamental right of self-defense guaranteed under the U.S. Constitution.

We are particularly dismayed about the U.S. Court of Appeals for the Second Circuit's recent decision in the case of *Maloney v. Cuomo*, in which Judge Sotomayor refused to follow Supreme Court precedent by conducting a proper incorporation analysis of the Second Amendment, concluding instead that the right to keep and bear arms does not protect all law-abiding Americans living in every corner of this nation.

In addition, Judge Sotomayor was a member of the panel in the case of *United States v. Sanchez-Villar*, where (in a summary opinion) the Second Circuit dismissed a Second Amendment challenge to New York State's pistol licensing law. That panel, in a terse footnote, cited a previous Second Circuit case to claim, "the right to possess a gun is clearly not a fundamental right."

It is only by ignoring history that any judge can say that the Second Amendment is not a fundamental right and does not apply to the states. The one part of the Bill of Rights that Congress clearly intended to apply to all Americans in passing the Fourteenth Amendment was the Second Amendment. History and congressional debate are clear on this point.

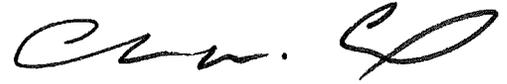
We believe any individual who does not agree that the Second Amendment guarantees a fundamental right and who does not respect our God-given right of self-defense should not serve on any court, much less the highest court in the land. Given the importance of this issue, the vote on Judge Sotomayor's confirmation will be considered in NRA's future candidate evaluations.

Thank you for your attention to our concerns. Should you have any questions or wish to discuss further, please do not hesitate to call on us personally.

Sincerely,



Wayne LaPierre
Executive Vice President
NRA



Chris Cox
Executive Director
NRA-ILA

cc: Members of the United States Senate