



Office of the Attorney General  
Washington, D.C. 20530

April 26, 2013

Governor Sam Brownback  
Capitol, 300 SW 10th Avenue  
Suite 241S  
Topeka, KS 66612-1590

Dear Governor Brownback:

I am writing in connection with Senate Bill Number 102 ("S.B. 102"), which, as you know, was recently enacted by the State of Kansas and which became effective on April 25, 2013.

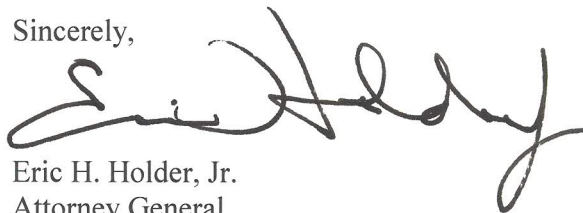
Among its other provisions, S.B. 102 criminalizes the enforcement of federal law with respect to the types of firearms, firearm accessories, and ammunition described in the statute. The law purports to nullify certain federal firearms requirements and to authorize the State of Kansas to charge and convict federal officers for performing their law enforcement duties.

In purporting to override federal law and to criminalize the official acts of federal officers, S.B. 102 directly conflicts with federal law and is therefore unconstitutional. Federal officers who are responsible for enforcing federal laws and regulations in order to maintain public safety cannot be forced to choose between the risk of a criminal prosecution by a state and the continued performance of their federal duties. Under the Supremacy Clause of the United States Constitution, Kansas may not prevent federal employees and officials from carrying out their official responsibilities. And a state certainly may not criminalize the exercise of federal responsibilities. Because S.B. 102 conflicts with federal firearms laws and regulations, federal law supersedes this new statute; all provisions of federal laws and their implementing regulations therefore continue to apply.

I am writing to inform you that federal law enforcement agencies, including the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Federal Bureau of Investigation, the Drug Enforcement Administration, and the United States Attorney's Office for the District of Kansas, will continue to execute their duties to enforce all federal firearms laws and regulations. Moreover, the United States will take all appropriate action, including litigation if necessary, to prevent the State of Kansas from interfering with the activities of federal officials enforcing federal law.

Please contact me if you wish to discuss this matter further.

Sincerely,



Eric H. Holder, Jr.  
Attorney General