



## NATIONAL SHOOTING SPORTS FOUNDATION, INC.

Headquarters: 11 Mile Hill Road • Newtown, CT 06470-2359 • Tel (203) 426-1320 x249 • Fax (203) 426-1087  
400 N. Capitol Street NW, Suite 490 • Washington, D.C. 20001 • Tel (202) 220-1340 x249 • Fax (202) 220-1349  
E-mail [Ikeane@nssf.org](mailto:Ikeane@nssf.org) • [nssf.org](http://nssf.org)

**LAWRENCE G. KEANE**  
SENIOR VICE PRESIDENT  
& GENERAL COUNSEL

August 21, 2015

**Via Email**  
[ed.murray@seattle.gov](mailto:ed.murray@seattle.gov)

Mayor Edward B. Murray  
City of Seattle  
PO Box 94749  
Seattle, WA 98124-4749

Re: Council Bill 118437: Gun Violence Tax

Dear Mayor Murray:

I write to you today on behalf of the National Shooting Sports Foundation (“NSSF”) to express our strong opposition to Council Bill 118437 (the “Gun Violence Tax”). The Gun Violence Tax was proposed by Council President Tim Burgess and unanimously passed by the Seattle City Council on August 10, 2015 and submitted for your signature on August 11, 2015. According to The Charter of the City of Seattle, this ordinance will become law today absent your veto. Although we are aware you previously have expressed support for the City Council’s decision to pass the Gun Violence Tax, we urge you to veto this unlawful tax. Should you allow this tax to be enacted NSSF will have no alternative but to file a lawsuit against the City to invalidate this unlawful regulation of the lawful sale of firearms and ammunition on the grounds that it, *inter alia*, violates Wash. Rev. Code § 9.41.290.

NSSF is the trade association for America’s firearms, ammunition, hunting, and recreational shooting sports industry. NSSF’s mission is to promote, protect, and preserve hunting and the shooting sports. Our membership consists of nearly 13,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen’s organizations across the country. Our manufacturer members make the firearms used by law-abiding Washington sportsmen, hunters, gun owners, as well as the United States military and law enforcement agencies all across your state including the Seattle Police Department. There are currently 29 federally licensed firearms dealers located in Seattle alone, of which 16 are NSSF members. The financial burden associated with the Gun Violence Tax will make it increasingly more difficult for law-abiding retailers to continue their livelihood, which creates jobs and tax revenue for Seattle. Allowing the Gun Violence Tax to become law will do nothing more than hurt legitimate businesses in the City of Seattle, which will force law-abiding consumers to take their business outside of the City of Seattle – ultimately impacting the City’s tax revenue.

Like all Americans, members of the firearms industry share your concern over the criminal misuse of illegally obtained firearm. However, the Gun Violence Tax is an ill-advised policy that will only burden law-abiding licensed retailers and gun owners who seek only to exercise their Second Amendment rights. Nothing about the Gun Violence Tax will affect the criminals who ultimately commit the crimes the Gun Violence Tax seeks to ameliorate. Imposing this tax is akin to taxing licensed pharmacies to combat a heroin epidemic. The exercise of your citizens’ constitutionally guaranteed right to bear arms will be priced

out of the City of Seattle entirely. Licensed firearms retailers located in Seattle will be harmed economically and be forced to either close their business or relocate outside the City to remain economically viable. Even if the City had the legal authority to impose the tax, which it does not, it will not raise the funds its proponents imagine.

The City does not have the legal authority to enact the Gun Violence Tax because it would clearly violate Section 9.41.290 of the Washington Code, which provides:

*The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law, as in RCW9.41.300, and are consistent with this chapter. Such local ordinances shall have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.*

The Washington State Constitution art. XI, sec. 11, provides cities with authority to “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws,” otherwise permissible regulation is preempted if the legislature expressly states its intent to fully occupy the field. Here, the Washington State legislature has unequivocally expressed its intent to occupy “the entire field of firearms regulation,” including any regulation that seeks to limit or otherwise infringe on the sale of firearms and ammunition products. Although cities such as Seattle are permitted to enact ordinances restricting the jurisdictions in which firearms may be sold, cities are expressly prohibited from treating “a business selling firearms . . . more restrictively than other businesses located within the same zone.” Wash. Rev. Code § 9.41.290. *See Chan v. City of Seattle*, 265 P.3d 169 (Wash. Ct. App. 2011), *rev. denied* 272 P.3d 851 (Wash. 2012).

Because the Gun Violence Tax would be fully preempted by Washington State law, NSSF will file suit against the City of Seattle to enjoin enforcement of the unlawful ordinance. Should NSSF prevail, as we fully anticipate, we will seek recovery of our attorney’s fees and costs.

For the above reasons, the National Shooting Sports Foundation strongly opposes the Gun Violence Tax because it will only serve to increase the burden on legitimate businesses engaged in the lawful commerce of firearms and ammunition, as well as law-abiding gun owners without any benefit to public safety. We urge your honor to veto this bill and avoid the need for costly litigation.

Sincerely yours,



Lawrence G. Keane