

# United States Senate

WASHINGTON, DC 20510

June 28, 2016

The President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Dear Mr. President:

Last year, you announced new restrictions on when local law enforcement may obtain lifesaving, federal equipment.

At the time I wrote to you, urging you to reconsider your dangerous policy.

Since then, American cities have fallen victim to two terror attacks launched by violent Islamist extremists, killing 63, wounding at least 75, and leaving untold numbers of others mourning the loss of family and friends.

These attacks demonstrate two things: First, *every* city in America needs to be prepared for a deadly terrorist attack. Second, the lifesaving federal equipment that you would deny to police is vital to saving lives.

Indeed, in Orlando, it did save lives. Consider the BearCat armored vehicle that law enforcement used as a battering ram and the explosives law enforcement detonated to breach the side of the Orlando nightclub and rescue about 30 hostages hiding in the bathrooms.

San Bernardino tells a similar story. Terrorists had just killed 14 innocent civilians. They were armed with rifles and pipe bombs and protected with body armor. Again, armored vehicles were used to box in the terrorist's vehicle and provide cover for officers during an intense firefight.

Still, you have continued to restrict local police access to armored vehicles, explosives, protective helmets, and other lifesaving, federal equipment. Specifically, you have restricted local police departments from using federal funds for these items. You also have restricted the federal government from donating surplus gear to local police—gear that will sit unused if it is not given to local law enforcement. And in January, your Administration began seizing lifesaving gear from local police departments.

It was completely foreseeable that restricting such equipment could cost lives. Indeed, your Administration *did* foresee it. An Administration Report acknowledged the federal equipment being withheld “enhances the safety of officers,” that local law enforcement “rely on Federally-acquired equipment [for] hostage rescue [and] response to threats of terrorism”—as at Orlando and San Bernardino—and not having such equipment “can have life-threatening consequences, both for the law enforcement personnel and the public they are charged with protecting.”

Yet, your Administration's Report opined that these items “could significantly undermine community trust,” and concluded this concern outweighs the interest in “address[ing] law enforcement needs (that could not otherwise be fulfilled).” In a speech announcing the new restrictions, you personally explained that “militarized gear” can “send the wrong message” and thus needs to be restricted.

What wrong message is sent by police gaining access to purely defensive equipment? I suspect that the 30 hostages rescued saw no “wrong message” when an armored vehicle swept in to save them. And in the event that someone somewhere did get a “wrong message,” how does that concern outweigh saving the lives of police and the civilians they protect?

How many lives are we willing to sacrifice? 1? 20? 100? The police officers who were saved by federal equipment—their lives matter. Their lives were *not* something to weigh against and sacrifice to the need to preserve other people’s sensibilities. The 30 hostages rescued by an armored vehicle—their lives matter. They are not mere statistics to be measured against the value of possibly promoting “community trust.”

I am also deeply concerned that your policy reflects belief in a false narrative about law enforcement—one that paints America’s police officers as the cause of unrest and violence, as opposed to the brave defense against it.

Your Administration’s Report speculates that military gear “may encourage tactics and behaviors that are inconsistent with the premise of civilian law enforcement.” Of course, no human institution is perfect. But almost all of America’s police officers are upstanding public servants who go to great lengths to avoid the use of force. And, notably, your Administration’s Report did not cite a single instance of local police misusing federal equipment; it just assumed that police will instinctively regard new equipment as an opportunity to abuse their power.

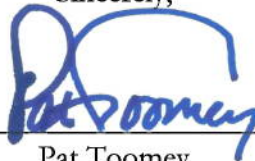
This is insulting to our law enforcement officers—the vast majority of whom are honest, hardworking men and women motivated solely by the desire to protect and serve, and who do not have a racist bone in their bodies. If you want to see police instincts on display, I refer you to the footage at San Bernardino and Orlando, where brave men and women did not hesitate to risk all to save their fellow Americans.

Finally, it is no answer to say that *some* of the federal equipment is not banned outright, but instead categorized as “controlled equipment” that local police departments may access if they comply with a lengthy checklist of onerous restrictions. By the time a police department has a team of lawyers finish debating these many restrictions, it may be too late.

Recent events have proven your restrictions to be misguided. Accordingly, I strongly urge you to reverse them. In the meantime, I also will continue pressing for Senate passage of my legislation, Lifesaving Gear for Police Act, which would undo your dangerous restrictions on federal equipment and restore lifesaving gear that your Administration has seized from local police.

Each day, 780,000 law enforcement officers across America put on a badge and answer the call of those in need, no matter what the danger. When others run away, they run into the breach. We in the federal government should be supporting them, not hindering them with undue red tape. We should be thanking them for their service and sacrifices, not treating them as dispensable.

Sincerely,



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Pat Toomey  
U.S. Senator