

United States Senate

WASHINGTON, DC 20510

May 21, 2015

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

Dear Mr. President:

On Monday, you announced new restrictions on the ability of local law enforcement to access lifesaving, federal equipment. I urge you to reconsider your policy.

As I understand it, the restrictions were recommended by your “Local Law Enforcement Equipment Working Group” in its May 2015 report. The report creates lists of “prohibited equipment,” which police may never access, and “controlled equipment,” which police may access only after complying with numerous, onerous conditions.

I do not object to withholding certain federal equipment from local police forces: Some items are never appropriate for domestic law enforcement. And I do not object to some items on the list. After all, we are unlikely to hear many complaints over a ban on bayonets, given that our military has not led a bayonet charge since the Korean War.

But many of the listed items are purely defensive, such as riot helmets, riot shields, and armored personal transport vehicles. They are surplus Department of Defense items that the federal government will not use, and therefore donates to local police departments. After the riots in Baltimore, Ferguson, and New York City, where protesters torched police cars and hurled bricks, cement blocks, and glass bottles at law enforcement, why would we make it harder to send riot gear that would otherwise sit unused to unprotected police officers across the country? I would not want a police officer to respond to the recent gang shoot-out at Waco, Texas—which killed nine and wounded 18—without ready access to full protective equipment, including, if needed, an armored vehicle. And armored vehicles were essential in providing protection and transportation to law enforcement in the aftermath of the Boston Marathon bombing.

Also, I object to the criteria your Working Group applied. Its report treats the need to save police lives as something to be weighed against—and sacrificed to—the desire to prevent distrust or discomfort on the part of others.

For example, your Working Group acknowledged that items on the “prohibited equipment” list fulfill legitimate police needs. But, it 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).” Likewise, you explained that “militarized gear” can “send the wrong message” and thus needs to be restricted.

What wrong message is sent by allowing law enforcement access to purely defensive equipment such as riot helmets and riot shields? Such equipment sends the message that rioters might have a hard time if their objective is to injure police officers. And in the event that some do get a “wrong message,” how does that concern outweigh saving the lives of police? How many police lives are we willing to sacrifice? One? Twenty? One hundred? We just observed National Police Week and honored those whose names were added to the wall at the National Law Enforcement Officers Memorial. How many more names must we add to that wall before we decide that protecting police lives must be a paramount consideration?

I am also deeply concerned that your Working Group bought into 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 Working Group 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; that is the nature of human beings. 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 Working Group does not cite a single instance of local police misusing federal equipment; it just assumes that police will 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 body.

Each day, the 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.

Accordingly, I urge you to reconsider your new restrictions on police obtaining lifesaving, federal equipment.

Sincerely,

A handwritten signature in blue ink that reads "Pat Toomey". The signature is stylized, with the first letters of the first and last names being large and prominent.

Pat Toomey
U.S. Senator