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ATTORNEY GENERAL

THE STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
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LETITIA JAMES
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September 2, 2022

VIA EMAIL

Stephen Squeri
Chairman and Chief Executive Officer
American Express
200 Vesey Street
New York, NY 10285

Michael Miebach
Chief Executive Officer
Mastercard
2000 Purchase Street
Purchase, NY 10577

Alfred F. Kelly, Jr.
Chairman and Chief Executive Officer
Visa
One Market Plaza
San Francisco, CA 94105

Dear Messieurs Squeri, Miebach, and Kelly:

Like most Americans, we are deeply concerned about the scourge of gun violence in the U.S. and believe all options must be on the table to remedy this problem. As the chief law enforcement officers for two states profoundly impacted by gun violence, we feel duty bound to advocate for changes to remedy gun violence. The fact is that gun violence kills more than 40,000 Americans annually and is the leading cause of death for children and teens. Gun deaths throughout the U.S. spiked during the COVID-19 pandemic and continue their upward trend.

To address a problem as persistent and pervasive as gun violence in the U.S., it is imperative for business leaders to identify and remedy the ways that their industries help to facilitate gun violence. As the Attorneys General of two states that headquarter three of the largest credit card networks—Visa, American Express, and Mastercard—we are calling on your companies to take the important step of establishing merchant category codes (MCCs) for purchases from gun stores when the subcommittee responsible for establishing MCCs convenes at the next International Organization for Standardization meeting. Once established, this code

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will provide additional information that can aid your companies in flagging potentially problematic firearms and ammunition purchases for law enforcement. Using MCCs to aid in identifying unusual patterns of firearm and ammunition purchases could help to prevent a future mass shooting or reduce the risk of gun trafficking. We know this approach works because it has been effective in identifying other criminal activity, such as terrorism and money laundering.

History demonstrates that tracking unusual gun purchases can help to identify possible criminal conduct. A 2018 report in the New York Times highlighted that the shooter in the Pulse nightclub in Orlando used six credit cards to purchase the firearms and ammunition he used in that horrific mass shooting. In the twelve days before the shooting, he spent about \$20,000 on multiple guns and thousands of rounds of ammunition. According to the New York Times report, there had been 13 shootings that killed ten or more people in the decade before the report; at least eight of those mass shooters used credit cards to buy their weapons. If tracking MCCs could stop just one mass shooting or derail one gun trafficker aiming to flood the streets with guns, the change would be justified.

The arguments against using these codes are dishonest and without merit. The National Rifle Association recently stated that MCCs could be used as a de facto firearm registration to confiscate people's weapons. In fact, MCCs do not allow credit card companies to see the specific items that a customer purchases, only the amount they are spending at a specific store. Moreover, as you know, banks are already required to flag suspicious credit card purchases but are impeded from doing so for gun purchases because gun stores lack their own MCC. To allow the NRA's false assertion to dictate the behavior of your companies sends the wrong message to the American public. We urge you not to fall prey to these bad-faith schemes.

We thank you for your attention to this important matter and hope that you will vote in the affirmative to create this new category of MCC.

Sincerely,



ROB BONTA
California Attorney General



LETITIA JAMES
New York Attorney General