



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

(304) 558-2021  
Fax (304) 558-0140

September 15, 2022

Mr. Alfred F. Kelly, Jr.  
Chairman and Chief Executive Officer  
Visa Inc.  
900 Metro Center Boulevard  
Foster City, California 94404

Dear Mr. Kelly:

As the Attorney General of the State of West Virginia, I write with deep concern regarding your company's announcement that it will apply a new merchant code to distinguish firearms purchases from other general merchandise sales. No good can come of this mistake, and I urge your company to reconsider.

Being the world's largest payment processor, there is no limit to the mischief that can result from your company's collection of data on firearms purchases. Once you collect and maintain the data, government agencies and private litigants will not hesitate to compel you to disclose it wherever and whenever they can. The resulting violation of private information will be unnecessary and unfortunate.

Your company's decision is especially concerning in that it appears to surrender to activist shareholder pressure from certain pension funds. This is another example of unreasonable demands of the Environmental, Social, and Governance agenda. Your response to these activists sets a terrible precedent for the future. The better course is to resist untoward pressure, not give in.

Most troubling of all, your action displays hostility to your cardholders that choose to exercise their Second Amendment right to keep and bear arms, especially at time when violent crime is on the rise. This action sends a terrible message to Americans from the heartland and elsewhere who want to defend themselves and their families and seek no part of this radical activist ESG agenda.

Your company needs to reverse course.

Absent such change, we have serious concerns how your company will maintain this new data on firearms purchases. I therefore request you provide the following in response to this letter:

- (1) Your plan to avoid breaches of privacy now that your company intends to maintain significant new data on cardholders, including but not limited to the mechanisms for ensuring compliance with data security and protection expectations and requirements;
- (2) An explanation of the intended use of this data, including but not limited to any issues arising in recent or prior communications with government agencies or officials;
- (3) An explanation of how cardholders will be notified when their individual data has been accessed by a government agency or other third party.

**Please provide your response to this letter by Friday, September 30, 2022.**

We will continue to analyze this situation and, based on that analysis and your response, determine how best to proceed. This office is committed to ensuring that your company is prohibited from any practice that discriminates against or in any way penalizes any business subject to the new merchant code and any individuals impacted by your decision.

Sincerely,



Patrick Morrissey  
West Virginia Attorney General



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September 15, 2022

Mr. Stephen Squeri  
Chief Executive Officer  
American Express, Inc.  
200 Vesey Street,  
New York, New York 10285

Dear Mr. Squeri:

As the Attorney General of the State of West Virginia, I write with deep concern regarding your company's announcement that it will apply a new merchant code to distinguish firearms purchases from other general merchandise sales. No good can come of this mistake, and I urge your company to reconsider.

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West Virginia Attorney General



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September 15, 2022

Mr. Michael Miebach  
Chief Executive Officer  
Mastercard, Inc.  
2000 Purchase Street  
Purchase, New York 10577

Dear Mr. Miebach:

As the Attorney General of the State of West Virginia, I write with deep concern regarding your company's announcement that it will apply a new merchant code to distinguish firearms purchases from other general merchandise sales. No good can come of this mistake, and I urge your company to reconsider.

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Patrick Morrisey  
West Virginia Attorney General