

GRASSLEY:

On February 4th, 2011, the department sent me a letter also assuring me that allegations of gun walking were untrue. It reads, quote, "ATF makes every effort to interdict weapons that have been purchased illegally, and prevent their transportation to Mexico," end of quote.

That statement is absolutely false. And you admitted as much last night, that you knew by April, 2010, that ATF walked guns in Operation Wide Receiver. That is that correct, yes?

BREUER:

Yes, senator. What I...

GRASSLEY:

That's all I need to know, if that's correct. Did you review that letter before it was sent to me?

BREUER:

Senator, again, I just want to be clear that, as I told you a moment ago, I regret that in April of 2010 that I did not draw the connection between Wide Receiver and Fast and Furious. Moreover, I regret that -- that even in earlier this year that I didn't draw that connection.

In direct answer to your question, senator, I can say -- I cannot say for sure whether I saw a draft of the letter that was sent to you. What I can tell you, senator, is at that time, I was in Mexico dealing with a very real issues that we are all so committed to.

But I also regret, as I've said, that I didn't draw that connection earlier.

GRASSLEY:

After learning of gun walking in Wide Receiver, did you ever inform the Attorney General Holder or deputy attorney general about it? And if so, when? And if not, why not?

BREUER:

Senator, I can't be more clear. I've said to you, and I will continue to, I regret the fact that in April of 2010, I did not. At the time, I thought that we -- dealing with the leadership of ATF was sufficient and reasonable.

And frankly, given the amount of work I do, at the time, I thought that that was the appropriate way of dealing with it. But I cannot be more clear that knowing now -- if I had known then what I know now, I, of course, would have told the deputy and the attorney general.

GRASSLEY:

Did you ever tell anybody else in the Justice Department leadership the same thing? And if so, who and when?

BREUER:

Senator, I thought we had dealt with it by talking to the ATF leadership.

GRASSLEY:

OK. How many guns were walked in Wide Receiver?

BREUER:

Senator, I can probably try to look at that. Of course, that was in 2006 and 2007. Just to be clear, if I may, senator, that was a case that had been abandoned and languished. It was my division that decided to take a case where guns had been permitted to go to Mexico years earlier, and at least make sure that the criminals who were responsible for purchasing those guns were held to account.

As a result of that, senator, we prosecuted 11 different people. I think to answer your question, in total, probably about -- if my math is good, probably about 350 or so. But, senator, I will have to double check that number.

GRASSLEY:

I think you are very close. So you don't have to check that number. According to my information, just five straw buyers -- I will refer to the chart here and then I'll quit and let you go on to another member. And I'll do some more on a second round.

According to my information, just five of the straw buyers in Fast and Furious were allowed to buy nearly 1,000 weapons. When did you first know that guns were walked in Fast and Furious?

Senator Chuck Grassley
Questions for the Record for
Assistant Attorney General Lanny Breuer

1. Department Letter of February 4, 2010

Last week when asked whether you saw a draft of the February 4 letter sent to me that contained the false statement, “ATF makes every effort to interdict weapons that have been purchased illegally, and prevent their transportation to Mexico,” you responded: “I cannot say for sure whether I saw a draft of the letter that was sent to you. What I can tell you, Senator, is at that time, I was in Mexico dealing with the very real issues that we are all so committed to.”

Questions:

- (a) Did your Deputy Assistant Attorney General (DAAG) Jason Weinstein review the Department’s February 4, 2010 letter to me?
- (b) Who else in the Criminal Division reviewed the letter?
- (c) What were the dates you were in Mexico in late January and early February 2010?
- (d) When did you first become aware that the Department denied in its February 4 letter allegations that guns had been walked?

RC-1

From: Weinstein, Jason
Sent: Friday, April 30, 2010 7:03 PM
To: Breuer, Lanny A.
Subject: Re: Operation Wide Receiver

As you'll recall from Jim's briefing, ATF let a bunch of guns walk in effort to get upstream conspirators but only got straws, and didn't recover many guns. Some were recovered in MX after being used in crimes. Billy, Jim, Laura, Alisa and I all think the best way to announce the case without highlighting the negative part of the story and risking embarrassing ATF is as part of Deliverance.

Jason M. Weinstein
Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
Office: RC-1
Cell: RC-1

----- Original Message -----

From: Breuer, Lanny A.
To: Weinstein, Jason
Sent: Fri Apr 30 18:39:45 2010
Subject: Re: Operation Wide Receiver

Anything I should know about thos?

----- Original Message -----

From: Weinstein, Jason
To: Breuer, Lanny A.; Raman, Mythili; Fagell, Steven
Sent: Wed Apr 28 18:59:27 2010
Subject: Operation Wide Receiver

Jim T and I met with Billy Hoover and with Laura and Alisa to talk about this gun trafficking case with the issues about the guns being allowed to walk for investigative purposes. Can fill you in tomorrow in more detail but we all think the best move is to indict both Wide Receiver I and Wide Receiver II under seal and then unseal as part of Project Deliverance, where focus will be on aggregate seizures and not on particulars of any one indictment.

Jason M. Weinstein
Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW

RC-1

From: Trusty, James
Sent: Monday, October 18, 2010 9:21 AM
To: Weinstein, Jason
Subject: RE: OCGS Weekly Report

I think so, but the timing will be tricky, too. Looks like we'll be able to unseal the Tucson case sooner than the Fast and Furious (although this may be just the difference between Nov and Dec). It's not clear how much we're involved in the main F and F case, but we have Tucson and now a new, related case with RC-5 targets. It's not going to be any big surprise that a bunch of US guns are being used in MX, so I'm not sure how much grief we get for "guns walking." It may be more like, "Finally, they're going after people who sent guns down there..."

From: Weinstein, Jason
Sent: Sunday, October 17, 2010 11:07 PM
To: Trusty, James
Subject: FW: OCGS Weekly Report

Do you think we should try to have Lanny participate in press when Fast and Furious and Laura's Tucson case are unsealed? It's a tricky case, given the number of guns that have walked, but it is a significant set of prosecutions

From: Ott, Thomas
Sent: Thursday, October 14, 2010 5:56 PM
To: Ohr, Bruce; Crow, Douglas; Duvall, Deborah; Gray, Laurie; Henry, Wakeya; Keeney, John; Raman, Mythili; Tinsley, Mary; Mulkern, Patrice; Toner, Gerald; Weinstein, Jason; Andres, Greg; Trusty, James; Pope, Amy; Buretta, John
Cc: Metz, Thomas R. (FBI); Stewart, Robert M. (FBI); LaPlante, Michael J. (FBI); Plichta, Michael F. (FBI); Phillips, Dean (FBI)
Subject: OCGS Weekly Report

See attached. Thanks

Thomas P. Ott
Deputy Chief
Organized Crime & Racketeering Section
Criminal Division
U.S. Department of Justice
Washington, D.C.

RC-1 (desk)
(cell)

[REDACTED]
From: [REDACTED]
Sent: Wednesday, February 02, 2011 1:13 PM
To: [REDACTED] (SMO)
Cc: [REDACTED]; Hoover, William J.
Subject: RE: Draft response to Grassley letters; please review and comment asap

Thank you [REDACTED]. That is great news. I really appreciate your leadership on this sensitive issue under such a tough timeline; especially considering how full your plate is. Again, Thank you.

[REDACTED]
DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
Chief - Office of Legislative Affairs
202. [REDACTED]
202. [REDACTED]
202. [REDACTED]
202.648.9708 (fax)

From: [REDACTED] (SMO) [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, February 02, 2011 1:10 PM
To: [REDACTED]
Cc: [REDACTED]; Hoover, William J.
Subject: RE: Draft response to Grassley letters; please review and comment asap

Yes, and Yes, and to get it out today [REDACTED]

From: [REDACTED] (ATF)
Sent: Wednesday, February 02, 2011 1:06 PM
To: [REDACTED] (SMO)
Cc: [REDACTED] (ATF); Hoover, William J. (ATF)
Subject: RE: Draft response to Grassley letters; please review and comment asap

Based on this edit, is the idea now to do only one letter responding to both of Grassley's letters? [REDACTED]
[REDACTED]

[REDACTED]
DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
[REDACTED] - Office of Legislative Affairs
202. [REDACTED] (mobile1)
202. [REDACTED] (mobile2)
202. [REDACTED] (office)
202.648.9708 (fax)

From: [REDACTED] (SMO) [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, February 02, 2011 12:54 PM
To: [REDACTED] (CRM); Hoover, William J. [REDACTED] (USAAZ); [REDACTED] (USAEQ);
[REDACTED] Melson, Kenneth E.; [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)
Subject: RE: Draft response to Grassley letters; please review and comment asap

65, 66

079

[REDACTED]
From: [REDACTED]
Sent: Wednesday, February 02, 2011 2:44 PM
To: [REDACTED] (CRM)
Subject: Re: Draft response to Grassley letters; please review and comment asap

Will do.

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From: [REDACTED]
To: [REDACTED]
Sent: Wed Feb 02 13:36:52 2011
Subject: RE: Draft response to Grassley letters; please review and comment asap
Thanks. [REDACTED] are fervently supportive of ATF, and these allegations are infuriating.

[REDACTED]
NOT WITHIN THE SCOPE

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, February 02, 2011 12:48 PM
To: [REDACTED]
Subject: RE: Draft response to Grassley letters; please review and comment asap

Whether or not they buy in, you are the man for supporting us like that.

Again, thanks [REDACTED]

[REDACTED]
NOT WITHIN THE SCOPE

DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
Office of Legislative Affairs
202 [REDACTED]
202 [REDACTED]
202 [REDACTED]
202.648.9708 (fax)

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, February 02, 2011 12:38 PM
To: [REDACTED] (SMO); Hoover, William J. [REDACTED] (USAAZ); [REDACTED] (USAE0);
[REDACTED] Melson, Kenneth E.
Cc: [REDACTED] (SMO) [REDACTED] (OLA)
Subject: RE: Draft response to Grassley letters; please review and comment asap

<<grassley at [REDACTED] suggestions.docx>>

66,

[REDACTED]

From: [REDACTED]
Sent: Wednesday, February 02, 2011 6:16 PM
To: [REDACTED] (SMO); Hoover, William J.; [REDACTED] @crm.usdoj.gov; [REDACTED] @usa.doj.gov; [REDACTED] Melson, Kenneth E.; [REDACTED] @SMOJMD.USDOJ.gov; [REDACTED] @SMOJMD.USDOJ.gov; [REDACTED] @SMOJMD.USDOJ.gov; [REDACTED] @SMOJMD.USDOJ.gov; [REDACTED] @SMOJMD.USDOJ.gov;
Cc: [REDACTED] @SMOJMD.USDOJ.gov; [REDACTED] @SMOJMD.USDOJ.gov; [REDACTED]
Subject: Re: Revised Grassley letter

Again [REDACTED] can't thank you enough for your hard and fast work on clearing this.

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From: [REDACTED] (SMO)
To: [REDACTED] Hoover, William J.; [REDACTED] (CRM); [REDACTED] (USAAZ); [REDACTED] (USAE0); [REDACTED] Melson, Kenneth E.; [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA); [REDACTED]
Sent: Wed Feb 02 18:08:35 2011
Subject: RE: Revised Grassley letter
Understood. Thanks.

From: [REDACTED] (ATF)
Sent: Wednesday, February 02, 2011 6:07 PM
To: Hoover, William J. (ATF); [REDACTED] (CRM); [REDACTED] (SMO); [REDACTED] (USAAZ); [REDACTED] (USAE0); [REDACTED] (ATF); Melson, Kenneth E. (ATF); [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA); [REDACTED] (ATF)
Subject: Re: Revised Grassley letter

I have reached out to [REDACTED] with Grassley. While they are pleased we intend to provide a written response and look forward to a Gunrunner briefing, they really want the letter tomorrow with a date certain for the briefing. The Senator is getting heat from the Press which will only escalate tomorrow (the deadline).

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From: Hoover, William J.
To: [REDACTED] (CRM); [REDACTED] (SMO); [REDACTED] (USAAZ); [REDACTED] (USAE0); [REDACTED] Melson, Kenneth E.; [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)

To: [redacted] (CRM); Hoover, William J. (ATF); [redacted] (USAAZ); [redacted] (ATF); [redacted] (USAE0); [redacted] (ATF); Melson, Kenneth E. (ATF); [redacted] (SMO); [redacted] (ODAG); [redacted] (SMO)
Cc: [redacted] (SMO); [redacted] (OLA)
Subject: RE: Draft response to Grassley letters; please review and comment asap

Apologies for the confusion here; please work from this doc; which picks up [redacted] and adds a few others. Understand the concerns [redacted] <<grassley atf.docx>> Thanks.

From: [redacted] (CRM)
Sent: Wednesday, February 02, 2011 12:38 PM
To: [redacted] (SMO); Hoover, William J. (ATF); [redacted] (USAAZ); [redacted] (ATF); [redacted] (USAE0); [redacted] (ATF); Melson, Kenneth E. (ATF)
Cc: [redacted] (SMO); [redacted] (OLA)
Subject: RE: Draft response to Grassley letters; please review and comment asap

<< File: grassley atf [redacted] suggestions.docx >>

I think [redacted] and I fully appreciate the concerns about commenting on ongoing cases – both present and future – [redacted] Here are a few suggestions, which may be helpful.

From: [redacted] (SMO) [mailto:[redacted]@usdoj.gov]
Sent: Wednesday, February 02, 2011 12:26 PM
To: Hoover, William J. (ATF); [redacted] (USAAZ); [redacted] (ATF); [redacted] (USAE0); [redacted] (ATF); Melson, Kenneth E. (ATF)
Cc: [redacted] (SMO); [redacted] (OLA)
Subject: Draft response to Grassley letters; please review and comment asap

Please see the enclosed draft response, which is intended to clarify the record and the boundaries of the briefing. [redacted] once we get this finalized and sent – today if possible – we can then move ahead to schedule the briefing. [redacted] we understand [redacted] was leaving the office yesterday afternoon – don't know if he's back but perhaps you could route this to the FAUSA and other AUSAs with responsibility for this matter if he's not available. Thanks – sorry for the rush. [redacted]

Attached. << File: grassley atf.docx >>

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From: [REDACTED] (SMO)
To: [REDACTED] (ODAG); [REDACTED] (CRM); [REDACTED] (USAAZ); Hoover, William J.
Cc: [REDACTED] (SMO); [REDACTED] (SMO); [REDACTED] (SMO); [REDACTED] (OLA)
Sent: Thu Feb 03 10:50:02 2011
Subject: RE: Revised Grassley letter
Please see the enclosed revised draft, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] (ODAG)
Sent: Wednesday, February 02, 2011 7:36 PM
To: [REDACTED] (SMO); [REDACTED] (SMO)
Cc: Hoover, William J. (ATF)
Subject: RE: Revised Grassley letter

[REDACTED] and [REDACTED]

I just wanted to alert you [REDACTED] receiving reports that Grassley's staff is contacting current and former ATF field agents to inquire about the open investigation into the Brian Terry murder and Project Gunrunner. [REDACTED] at my suggestion [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Thanks,
[REDACTED]

From: [REDACTED] (ATF)
Sent: Wednesday, February 02, 2011 6:16 PM
To: [REDACTED] (SMO); Hoover, William J. (ATF); [REDACTED] (CRM); [REDACTED] (USAAZ); [REDACTED] (USAEI); [REDACTED] (ATF); Melson, Kenneth E. (ATF); [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA); [REDACTED] (ATF)
Subject: Re: Revised Grassley letter

Again [REDACTED] we can't thank you enough for your hard and fast work on clearing this.

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From: [REDACTED] (SMO)
To: [REDACTED]; Hoover, William J. [REDACTED] (CRM); [REDACTED] (USAAZ); [REDACTED] (USAEO); [REDACTED] Melson, Kenneth E.; [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA); [REDACTED]
Sent: Wed Feb 02 18:08:35 2011
Subject: RE: Revised Grassley letter
Understood. Thanks.

From: [REDACTED] (ATF)
Sent: Wednesday, February 02, 2011 6:07 PM
To: Hoover, William J. (ATF); [REDACTED] (CRM); [REDACTED] (SMO); [REDACTED] (USAAZ); [REDACTED] (USAEO); [REDACTED] (ATF); Melson, Kenneth E. (ATF); [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA); [REDACTED] (ATF)
Subject: Re: Revised Grassley letter

I have reached out to [REDACTED] with Grassley. While they are pleased we intend to provide a written response and look forward to a Gunrunner briefing, they really want the letter tomorrow with a date certain for the briefing. The Senator is getting heat from the Press which will only escalate tomorrow (the deadline).

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From: Hoover, William J.
To: [REDACTED] (CRM); [REDACTED] (SMO); [REDACTED] (USAAZ); [REDACTED] (USAEO); [REDACTED] Melson, Kenneth E.; [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)
Sent: Wed Feb 02 17:42:45 2011
Subject: RE: Revised Grassley letter
[REDACTED]

We are fine with this letter. We will also reach out to the Senator's office and relate the message.

Billy

William J. Hoover
Deputy Director
Bureau of Alcohol, Tobacco, Firearms & Explosives
O) 202-648-[REDACTED]

[REDACTED]
From: [REDACTED]
Sent: Thursday, February 03, 2011 4:08 PM
To: [REDACTED] (SMO)
Cc: [REDACTED] (SMO)
Subject: RE: Revised Grassley letter

[REDACTED] wants to know if we can go ahead and provide this Letter under Director Melson's hand?
[REDACTED] just called and [REDACTED]
[REDACTED] He is really concerned [REDACTED]

DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
Office of Legislative Affairs
202 [REDACTED]
202 [REDACTED]
202 [REDACTED]
202.648.9708 (fax)

From: [REDACTED] (SMO) [mailto:[REDACTED]@usdoj.gov]
Sent: Thursday, February 03, 2011 3:59 PM
To: [REDACTED] (CRM); Hoover, William J.; [REDACTED], Melson, Kenneth E.; [REDACTED]
[REDACTED] (ODAG); [REDACTED] (SMO); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)
Subject: RE: Revised Grassley letter

OLA hopes to do that.

From: [REDACTED] (ATF)
Sent: Thursday, February 03, 2011 3:48 PM
To: [REDACTED] (CRM); [REDACTED] (SMO); Hoover, William J. (ATF); [REDACTED] (ATF); Melson, Kenneth E. (ATF); [REDACTED] (ODAG); [REDACTED] (SMO); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)
Subject: RE: Revised Grassley letter

One of our public affairs guys got word that Grassley's office is telling media that "there may be something to this" because ATF is not answering. Are we still planning to get the letter out today?

DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
Office of Legislative Affairs
202 [REDACTED]
202 [REDACTED]
202 [REDACTED]
202.648.9708 (fax)

From: [REDACTED] [mailto:[REDACTED]@usdoj.gov]
Sent: Wednesday, February 02, 2011 5:17 PM
To: [REDACTED] (SMO); Hoover, William J.; [REDACTED] (USAAZ); [REDACTED] (USAE0);
[REDACTED], Melson, Kenneth E.; [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)
Subject: Revised Grassley letter

Attached is a revised draft of a letter to Sen. Grassley. Please take a look and let us know if this version is OK with you.

From: [REDACTED]
Sent: Thursday, February 03, 2011 7:04 PM
To: Hoover, William J.
Subject: RE: STOP - do not send letter!

They just stopped me!

[REDACTED]
DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
[REDACTED] Office of Legislative Affairs
202 [REDACTED]
202 [REDACTED]
202 [REDACTED]
202.648.9708 (fax)

From: [REDACTED] (SMO) [mailto:[REDACTED]@usdoj.gov]
Sent: Thursday, February 03, 2011 7:02 PM
To: [REDACTED]
Subject: STOP - do not send letter!

[REDACTED] please also send to this to Leahy's gun person - not sure who that is at this point, but they should

From: [REDACTED] (JMD)
Sent: Thursday, February 03, 2011 6:47 PM
To: Hoover, William J. (ATF); [REDACTED] (SMO); [REDACTED] (CRM); [REDACTED] (USAAZ); [REDACTED]
(SMO); [REDACTED] (OLA); [REDACTED] (ATF)
Subject: PDF of Outgoing 2/3/11 Letter to Senator Grassley

All: The PDF is attached. Thanks, [REDACTED]

[REDACTED]
Legislative Assistant
U.S. Department of Justice
Robert F. Kennedy Main Justice Building
Room [REDACTED] 250 Pennsylvania Avenue, NW
Washington, DC 20530
Phone: 202 514 4207
Email: [REDACTED]@usdoj.gov

061

[REDACTED]

From: [REDACTED]
Sent: Friday, February 04, 2011 5:50 PM
To: [REDACTED] (SMO)
Subject: Re: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks.
FB

What's your phone number?

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From: [REDACTED] (SMO)
To: [REDACTED]
Cc: [REDACTED] (JMD)
Sent: Fri Feb 04 17:46:29 2011
Subject: RE: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks [REDACTED]
Just sent it to you; let me know if you don't have it. [REDACTED] advises that our messenger has left - so we won't be able to deliver hard copy until Monday. Thanks.

From: [REDACTED] (ATF)
Sent: Friday, February 04, 2011 5:43 PM
To: [REDACTED] (SMO)
Subject: Re: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks. [REDACTED]

Can you send it to me in a clean email (no text no subject). I will need to forward to Grassley staff from my BB. [REDACTED]
[REDACTED] Thx and have a nice weekend.

tlb

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From: [REDACTED] (SMO) Hoover Wm J
To: [REDACTED] (ODAG); [REDACTED] (USAAZ); [REDACTED] (SMO); [REDACTED] (CRM);
[REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA); [REDACTED] (ODAG); [REDACTED] (ODAG)
Sent: Fri Feb 04 17:17:04 2011
Subject: RE: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks [REDACTED]
Thanks [REDACTED] We've set up the doc [REDACTED] and will send it on to ATF for further action as soon as it's signed.
Thanks. [REDACTED]

tlb

052

From: [REDACTED] (ODAG)
Sent: Friday, February 04, 2011 3:45 PM
To: [REDACTED] (USAAZ); [REDACTED] (SMO); [REDACTED] (SMO); Hoover, William J. (ATF); [REDACTED] (CRM); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA); [REDACTED] (ODAG); [REDACTED] (ODAG)
Subject: RE: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks. [REDACTED]

All,

Please find attached a revised, ODAG-cleared draft that addresses that the issues we discussed last evening and this morning. Unless others object, I believe OLA will put the document in final format for [REDACTED] signature.

Thanks for everyone's patience and help.

From: [REDACTED] (ODAG)
Sent: Thursday, February 03, 2011 7:17 PM
To: [REDACTED] (USAAZ); [REDACTED] (SMO); [REDACTED] (SMO); [REDACTED] (ODAG); Hoover, William J. (ATF); [REDACTED] (CRM); [REDACTED] (SMO); [REDACTED] (ODAG)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)
Subject: Re: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks. [REDACTED]

[REDACTED] Billy - I agree we need to have a strong and accurate response. Toward that end, we've got some additional questions that we just asked [REDACTED] to run down with you and Billy so we can get this out tomorrow. So he will be circling back with you guys.

Thanks

From: [REDACTED] (USAAZ)
Sent: Thursday, February 03, 2011 06:55 PM
To: [REDACTED] (SMO); [REDACTED] (ODAG); [REDACTED] (SMO); [REDACTED] (ODAG); Hoover, William J. (ATF); [REDACTED] (CRM); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA)
Subject: RE: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks. [REDACTED]

Fine by me. Thanks for sharing.

Please send soon. [REDACTED]

From: [REDACTED] (SMO)
Sent: Thursday, February 03, 2011 3:56 PM
To: [REDACTED] (ODAG) (SMO); [REDACTED] (SMO); [REDACTED] (ODAG) (SMO); Hoover, William J. (ATF); [REDACTED] (CRM); [REDACTED] (USAAZ); [REDACTED] (SMO)
Cc: [REDACTED] (SMO); [REDACTED] (OLA) (SMO)
Subject: Revised draft letter to Grassley per input received from all - hope this is ready. Thanks. [REDACTED]

<< File: grassley atf clean.docx >>



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D. C. 20530

February 4, 2011

The Honorable Charles E. Grassley
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This responds to your letters, dated January 27, 2011 and January 31, 2011, to Acting Director Kenneth Melson of the Department's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), regarding Project Gunrunner. We appreciate your strong support for the Department's law enforcement mission.

At the outset, the allegation described in your January 27 letter—that ATF “sanctioned” or otherwise knowingly allowed the sale of assault weapons to a straw purchaser who then transported them into Mexico—is false. ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico. Indeed, an important goal of Project Gunrunner is to stop the flow of weapons from the United States to drug cartels in Mexico. Since its inception in 2006, Project Gunrunner investigations have seized in excess of 10,000 firearms and 1.1 million rounds of ammunition destined for Mexico. Hundreds of individuals have been convicted of criminal offenses arising from these investigations and many others are on-going. ATF remains committed to investigating and dismantling firearms trafficking organizations, and will continue to pursue those cases vigorously with all available investigative resources.

In this vein, the suggestion that Project Gunrunner focuses simply on straw purchasers is incorrect. The defendants named in the indictments referenced in your January 27 letter include leaders of a sophisticated gun trafficking organization. One of the goals of the investigation that led to those indictments is to dismantle the entire trafficking organization, not merely to arrest straw purchasers.

I also want to assure you that ATF has made no attempt to retaliate against any of its agents regarding this matter. We recognize the importance of protecting employees from retaliation relating to their disclosures of waste, fraud, and abuse. ATF employees receive annual training on their rights under the Whistleblower Protection Act, and those with knowledge of waste, fraud, or abuse are encouraged to communicate directly with the

The Honorable Charles E. Grassley
Page Two

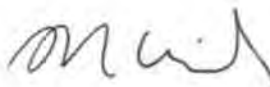
Department's Office of Inspector General. These protections do not negate the Department's legitimate interest in protecting confidential information about pending criminal investigations.

We also want to protect investigations and the law enforcement personnel who directly conduct them from inappropriate political influence. For this reason, we respectfully request that Committee staff not contact law enforcement personnel seeking information about pending criminal investigations, including the investigation into the death of Customs and Border Patrol Agent Brian Terry. Like you, we are deeply concerned by his murder, and we are actively investigating the matter. Please direct any inquiry into his killing to this office.

The Department would be pleased to provide a briefing to Committee staff about Project Gunrunner and ATF's efforts to work with its law enforcement partners to build cases that will disrupt and dismantle criminal organizations. That briefing would not address the on-going criminal investigation referenced in your letter. As you know, the Department has a long-standing policy against the disclosure of non-public information about pending criminal investigations, which protects the independence and effectiveness of our law enforcement efforts as well as the privacy and due process interests of individuals who may or may not ever be charged with criminal offenses.

We hope that this information is helpful and look forward to briefing Committee staff about Project Gunrunner. Please do not hesitate to contact this office if we may provide additional assistance about this or any other matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ronald Weich', written in a cursive style.

Ronald Weich
Assistant Attorney General

cc: The Honorable Patrick J. Leahy
Chairman