

**From:** Burke, Dennis (USAAZ)  
**To:** Weinstein, Jason (CRM)  
**Sent:** 2/16/2011 2:02:30 PM  
**Subject:** FW: Sen Grassley allegations about ATF

Fyi

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

From: Evans, John (USAAZ) 3  
Sent: Wednesday, February 16, 2011 11:58 AM  
To: Cunningham, Patrick (USAAZ); Burke, Dennis (USAAZ); Massey, Debra (USAAZ); Figueroa, Jesse (USAAZ)  
Cc: Hurley, Emory (USAAZ); Pimsner, David (USAAZ)  
Subject: RE: Sen Grassley allegations about ATF

**DP**

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

From: Cunningham, Patrick (USAAZ)  
Sent: Wednesday, February 16, 2011 9:47 AM  
To: Burke, Dennis (USAAZ); Massey, Debra (USAAZ); Figueroa, Jesse (USAAZ); Evans, John (USAAZ) 3  
Cc: Hurley, Emory (USAAZ); Pimsner, David (USAAZ)  
Subject: Re: Sen Grassley allegations about ATF

John and Jesse:

Sorry about the rush, but we need now: See para 2 below.

**DP**

**DP**

Thanks! Pjc

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

From: Cunningham, Patrick (USAAZ)  
Sent: Wednesday, February 16, 2011 11:36 AM  
To: Burke, Dennis (USAAZ); Massey, Debra (USAAZ)  
Subject: Re: Sen Grassley allegations about ATF

Yes

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

From: Burke, Dennis (USAAZ)  
Sent: Wednesday, February 16, 2011 11:22 AM  
To: Cunningham, Patrick (USAAZ); Massey, Debra (USAAZ)  
Subject: Fw: Sen Grassley allegations about ATF

Can u get Emory to look at this now? Seems straightforward but if he wants to edit, need it ASAP.

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

From: Burke, Dennis (USAAZ)  
Sent: Wednesday, February 16, 2011 11:20 AM  
To: Hurley, Emory (USAAZ); Cunningham, Patrick (USAAZ)  
Subject: Fw: Sen Grassley allegations about ATF

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

From: Weinstein, Jason (CRM)  
Sent: Wednesday, February 16, 2011 11:17 AM  
To: Burke, Dennis (USAAZ); Newell, William D. (ATF); Chait, Mark R. (ATF)

AZ0043885

DOJ-FF-06262

Subject: FW: Sen Grassley allegations about ATF

Let me know if this response is OK:

(1) Bottom line from USAO and ATF is that ATF did NOT persuade a reluctant dealer to participate.

(2) Two of the guns sold during the investigation were found near the scene of the shooting of Agent Terry. These guns were purchased about 10 months earlier, by a person later determined to be part of the trafficking ring, but ATF was not notified of the sales until after the fact.

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

From: Grindler, Gary (OAG) [mailto:Gary.Grindler@usdoj.gov]  
Sent: Wednesday, February 16, 2011 10:35 AM  
To: Breuer, Lanny A.; Weinstein, Jason; Raman, Mythili  
Subject: FW: Sen Grassley allegations about ATF

Questions from the AG:

So ATF did NOT persuade a reluctant dealer to participate- bottom line?

Do we have info on whether a gun sold in the operation was used in the shooting?

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

From: Breuer, Lanny A. (CRM)  
Sent: Sunday, February 13, 2011 03:19 PM  
To: Grindler, Gary (OAG)  
Subject: Sen Grassley allegations about ATF

Gary,

To follow up on our conversation of Friday morning, prior to the Senate staff briefing on Thursday, Jason checked with the USAO in AZ and with ATF (both HQ and AZ) and was advised that the specific allegation in Sen. Grassley's most recent letter -- that ATF encouraged a reluctant FFL to continue to make sales to suspected traffickers - is false.

From talking to Jason, my understanding is that OLA made the judgment not to address any of the specific allegations in Sen. Grassley's letters during the briefing. Instead, Jason and the ATF reps. provided a tutorial of sorts on how cases against sophisticated gun trafficking organizations like the one in AZ are built. They walked the staffers through the kind of tactical and investigative judgments involved at each stage of the investigation, drawing an analogy between gun trafficking cases and drug conspiracy cases. The goal - and by all accounts it seems to have worked - was to communicate that the ATF's work in the AZ case and others like it reflected sound judgment and investigative work.

During the Q&A at the briefing, Sen. Grassley's staffers asked a number of specific questions about the AZ investigation, which our folks declined to answer, with one exception. A staffer asked whether as part of the AZ case, ATF ever encouraged a reluctant FFL to continue unlawful sales. Jason and the ATF reps. responded that based on their knowledge of the case, they were unaware of that ever having happened in this investigation.

Up to this point, our inquiries about the Grassley allegations have been at the U.S. Attorney/SAC level. If the AG would like us to look into those allegations further, I could have Jason talk specifically to the AUSAs and case agents and report back. Just let us know how you'd like us to proceed.

Best, Lanny

AZ0043886

DOJ-FF-06263