

United States Senate

WASHINGTON, DC 20510

February 16, 2011

Via Electronic Transmission

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Holder:

I appreciate the staff briefing that Department of Justice (DOJ) and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) officials provided on February 10, 2011. However, the briefers focused on general issues related to challenges in successfully prosecuting gun trafficking cases. They refused to answer specific questions about the facts and circumstances that led me to request the briefing.

Specifically, they refused to say whether the approximately 103 weapons seized according to the Jaime Avila indictment were the only seizures related to the nearly 770 weapons mentioned in the indictment. They refused to say whether the third assault rifle purchased by Avila in January 2010—the one not found at the scene of CBP Agent Brian Terry's shooting—has been recovered elsewhere. When asked whether ATF had encouraged any gun dealer to proceed with sales to known or suspected traffickers such as Avila, the briefers said only that they did not have any “personal knowledge” of that.

Therefore, please provide the following documents to the Committee:

- 1) All records relating to communications between the ATF and the Federal Firearms Licensee (FFL) who sold the weapons to Avila, including any Report of Investigation (ROI) or other records relating to the December 17, 2009 meeting “to discuss his role as an FFL during this investigation.”
- 2) All records relating to communications between ATF headquarters and Phoenix Special Agent in Charge (SAC) William Newell from December 1, 2010 to the present, including a memorandum, approximately 30 pages long, from SAC Newell to ATF headquarters following the arrest of Jaime Avila and the death of CBP Agent Brian Terry.
- 3) A copy of the presentation, approximately 200 pages long, that the Group 7 Supervisor made to officials at ATF Headquarters in the Spring of 2010.

- 4) Copies of all e-mails related to Operation Fast and Furious, the Jaime Avila case, or the death of CBP Agent Brian Terry sent to or from SAC Newell, Assistant Special Agent in Charge (ASAC) George Gillette, Group 7 Supervisor, or the Case Agent between November 1, 2009 and January 31, 2011.

Please provide documents in batches on a rolling basis as they are identified and located. Also, please prioritize your search for documents and produce them in the following order: (1) documents in response to requests one through three, (2) documents in response to request four dated between December 13, 2010 and January 31, 2011, and (3) documents in response to request four dated between November 1, 2009 and December 13, 2010.

I look forward to receiving your response. Please provide the first set of requested documentation by no later than February 23, 2011. If you have any questions please contact Jason Foster or Brian Downey at (202) 224-5225. All formal correspondence should be sent electronically in PDF format to Brian_Downey@judiciary-rep.senate.gov or via facsimile to (202) 224-3799.

Sincerely,



Charles E. Grassley
Ranking Member

cc: The Honorable Patrick Leahy
Chairman
United States Senate Committee on the Judiciary

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigation

Kenneth E. Melson
Acting Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Honorable Alan D. Bersin
Commissioner
United States Customs and Border Protection