From:

Kelly, Kristen (USAAZ) 6 Hurley, Emory (USAAZ)

To: Sent:

4/26/2011 2:07:08 PM

Subject:

RE: Six Smith Questions and Proposed Answers

YOU ROCK!!!!!!

I could not find this!

10 points – Emory.

From: Hurley, Emory (USAAZ)

Sent: Tuesday, April 26, 2011 10:52 AM

To: Kelly, Kristen (USAAZ) 6

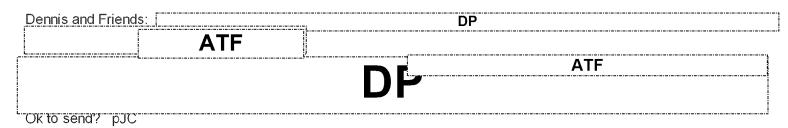
Subject: FW: Six Smith Questions and Proposed Answers

This has the available documents attached all in one handy email

From: Cunningham, Patrick (USAAZ) Sent: Thursday, March 24, 2011 3:42 PM

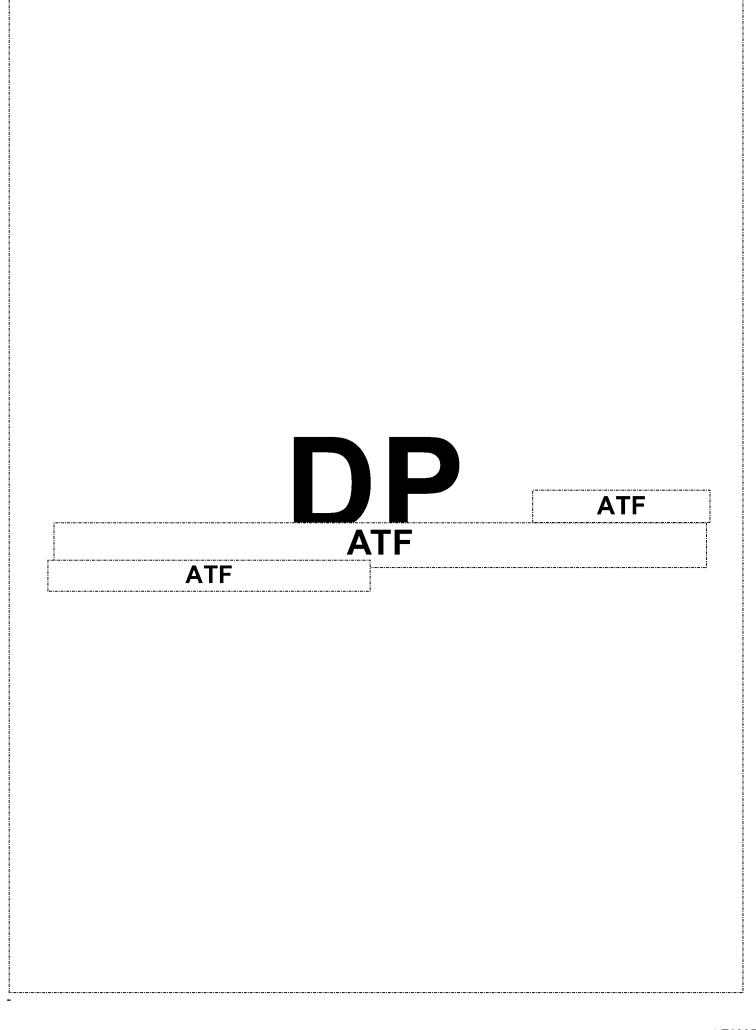
To: Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ); Morrissey, Mike (USAAZ); McCormick, Glenn

(USAAZ); Hurley, Emory (USAAZ); Kelly, Kristen (USAAZ) 6 **Subject:** Six Smith Questions and Proposed Answers



Matt: Below are our proposed answers to the six questions:





From: Axelrod, Matthew (ODAG) To: ATF Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ); Melson, Kenneth E.; Hoover, William J. Sent: Wed Mar 23 21:22:02 2011 Subject: RE: Smith letter response Tomorrow sometime would be great. Thanks ATF
Matt
From: ATF Sent: Wednesday, March 23, 2011 9:20 PM To: Axelrod, Matthew (ODAG); Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ); Melson, Kenneth E. (ATF); Hoover, William J. (ATF) Subject: Re: Smith letter response
Matt
What is the timeline for a response to you? ATF Acting Chief of Staff ATF Office of the Director O: 202
From: Axelrod, Matthew (ODAG) To: Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ); Melson, Kenneth E.; Hoover, William J. ATF
Sent: Wed Mar 23 21:17:04 2011 Subject: Smith letter response
AII,
Thanks for your patience on the response to Congressman Smith. We in ODAG are still working on the letter. No final decision has been made about what the letter will look like, but depending on what folks here decide, DP I already have a draft paragraph to address Question #5, which I've reprinted below, but I'm not sure of the answers to the remaining ones. Could you please send me the relevant information? Thanks. I've attached the incoming letter for ease of reference.
Matt
DP

<<Untitled.PDF - Adobe Acrobat Pro.pdf>>

Matthew S. Axelrod

Associate Deputy Attorney General
Office of the Deputy Attorney General
U.S. Department of Justice
Desk (202) 305-0273
Cell (202) 532-3087

DP

DP

Main Justice position on the issue of Sanctioning or encouraging arms sales, the Quote of Assistant Attorney General Ronald Weich in his February 4, 2011 letter:

"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."

B. On the issue of "walking guns" from <u>lawful sales</u> or the timely seizure of guns:

Neither the USAO nor ATF was engaged in an effort "to let guns flow to straw buyers" or to "walk" guns that could have been lawfully seized. No such permission to "walk" a gun ever happened.

Purchasing multiple long guns in Arizona is <u>lawful</u>, transferring them to another is <u>lawful</u> and even sale or barter of the guns to another is <u>lawful</u> unless the United States can prove by clear and convincing evidence that the firearm is intended to be used to commit a crime. (18 USC 924 (d)). In short, the law does not permit agents to take guns away from anyone who buys ten AKs at a time solely because they bought multiple guns. In instances where ATF observed a sale by a FFL to an individual, ATF agents understood that unless the agents observed illegal conduct, agents could not stop a sale. It bears repeating that, at the time of sale by the FELs, the determination by the FELs was that a sale was lawful. Seizure of a firearm from a citizen at that





From: Axelrod, Matthew (ODAG) (SMO) **Sent:** Wednesday, March 23, 2011 6:17 PM

To: Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ); Melson, Kenneth E. (ATF); Hoover, William J. (ATF); **ATF**

Subject: Smith letter response

All,

Thanks for your patience on the response to Congressman Smith. We in ODAG are still working on the letter. No final decision has been made about what the letter will look like, but depending on what folks here decide DP

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Matt

Matthew S. Axelrod Associate Deputy Attorney General Office of the Deputy Attorney General U.S. Department of Justice Desk (202) 305-0273 Cell (202) 532-3087