

Department of Justice
EXECUTIVE SECRETARIAT
CONTROL SHEET

DATE OF DOCUMENT: 03/09/2011

WORKFLOW ID: 2317223

DATE RECEIVED: 03/10/2011

DUE DATE: 3/24/2011

FROM: The Honorable Lamar Smith
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

TO: AG

MAIL TYPE: Congressional Priority

SUBJECT: (Copy rec'd via email from OLA) Expressing concerns about allegations that ATF's Operation Gunrunner may have been complicit in the illegal transfer of firearms into Mexico. Requesting a response to the enclosed questions by 03/18/2011. Ltr also signed by 13 other MCs. See WF 2300644 and other related corres in ES.

DATE ASSIGNED

03/11/2011

ACTION COMPONENT & ACTION REQUESTED

ATF

Prepare response for AAG/OLA signature.

INFO COMPONENT: OAG, OAG (Wilkinson), ODAG, CRM, EOUSA, OIG, FBI, OLA

COMMENTS:

FILE CODE:

EXECSEC POC: Erika Thompson: 202-616-0070

LAMAR S. SMITH, Texas
CHAIRMAN

F. JAMES SENSENBRENNER, JR., Wisconsin
HOWARD COBLE, North Carolina
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
DANIEL E. LUNGREN, California
STEVE CHABOT, Ohio
GARRETT E. ISSA, California
MIKE PENCE, Indiana
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TRENT FRANKS, Arizona
LOUIE GOMPERT, Texas
JIM JORDAN, Ohio
TED POE, Texas
JASON CHAFFETZ, Utah
TONI REED, New York
TIM SHIFFRIN, Arkansas
TOM MARINO, Pennsylvania
TIGY GOWDY, South Carolina
DENNIS ROSS, Florida
SONDY AJAMAS, Florida
HEN GRAYLÉ, Arizona

2317203
JOHN CONYERS, JR., Michigan
RANKING MEMBER

HOWARD L. BERMAN, California
JERROLD NADLER, New York
ROBERT C. "BOBBY" SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHILA JACKSON LEE, Texas
MAXINE WATERS, California
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
PEDRO R. PIERLUISI, Puerto Rico
MIKE QUIGLEY, Illinois
JUDY CHU, California
TED DEUTCH, Florida
LINDA C. SÁNGRIZ, California
DEBBIE WASSERMAN SCHULTZ, Florida

ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

March 9, 2011

2011 MAR 10 AM 11:10

RECEIVED
DEPT OF JUSTICE
EXECUTIVE SECRETARIAT

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

Dear Attorney General Holder,

We write to express our concerns about allegations that the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) Operation Gunrunner may have been complicit in the illegal transfer of firearms into Mexico. According to media reports, the Phoenix-based program known as "Fast and Furious" intentionally allowed straw buyers for criminal organizations to purchase thousands of guns so that ATF could track them across the border.

We find it ironic that the government allowed guns to be trafficked into Mexico as part of a program designed to stop guns from being trafficked into Mexico. We are also troubled that ATF engaged in activities that may have facilitated the transfer of guns to violent drug cartels while simultaneously attempting to restrict lawful firearms sales by border-area firearms dealers. In December, ATF sought to impose additional reporting requirements on semi-automatic rifles, a proposal that we strongly oppose.

The program resulted in a large flow of weapons across the border to Mexico. According to the Center for Public Integrity, ATF allowed nearly 2,000 guns—valued at over one million dollars—to cross the border to known criminal organizations.¹ As would be expected, many of the guns were used in violent crimes. Worse, two guns from the program were found at the murder scene of Customs and Border Protection Agent Brian Terry in December.

¹ John Solomon, David Heath, and Gordon Witkin, *ATF Let Hundreds of U.S. Weapons Fall into Hands of Suspected Mexican Gunrunners*, The Center for Public Integrity (March 3, 2011), available at <http://www.publicintegrity.org/articles/entry/2976/>.

ATF's strategy to allow weapons to flow into the hands of criminals carried serious and obvious risks. More disturbing, however, is that ATF appears to have accepted these risks without due regard for the consequences

ATF initiated Operation Gunrunner after the Department of Justice Inspector General (IG) criticized the ATF's gun tracing ability. In a 2010 report, the IG wrote:

Despite the increased activity related to Project Gunrunner, ATF is not using intelligence effectively to identify and target firearms trafficking organizations operating along the Southwest border and in Mexico. Moreover, ATF's expansion of its automated system (eTrace) to trace guns seized in Mexico has yielded very limited information of intelligence value.²

In addition, there seems to have been little effective coordination between ATF and the Department as a whole. While guns continued to cross the border, the Department was apparently slow to approve wiretaps and to bring prosecutions. Internal ATF documents show that ATF's supervisors became increasingly concerned about the pace of the investigations. It was only this January, 15 months after ATF initiated the program and a month after agent Terry's murder, that the Department finally issued its first indictment based on evidence from the program.

We commend your request that the Department's Inspector General investigate these allegations. In the meantime, we ask that the Department respond to the following questions:

1. How many weapons have been allowed to pass to Mexico under the program known as "Fast and Furious"? Is the program still active?
2. Who at ATF Headquarters approved the program?
3. Who in the U.S. Attorney's Office for the District of Arizona approved the program? On what authority did the Office approve the program?
4. Did ATF or the U.S. Attorney's Office in Phoenix coordinate the "Fast and Furious" program with the Department? Did the Department approve the strategy?
5. What changes or improvements has ATF made to its eTrace program and its ability to use intelligence to target gun trafficking organizations in general?
6. Does ATF view the "Fast and Furious" program as a success?

Thank you for your attention to this matter. We respectfully request that the Department respond to these questions by Friday, March 18, 2011.

Sincerely,

² Review of ATF's Project Gunrunner, U.S. Dept. of Justice Office of the Inspector General, p. vi (2010), available at <http://www.justice.gov/oig/reports/ATF/e1101.pdf>.

Lamar Smith

Cheney

Tom Marino

Frey Gordon

J. Rody Forbes

Elton Gallegly

~~ATM~~

Jim Sensenbrenner

Paul E. Ryan

Tim Wirth

Scott Tipton

Bob Goodlatte

Howard Coble

Steve King

cc: The Honorable John Conyers, Jr.

Myjes, Tonia (JMD)

From: Admin. Assistant
Sent: Thursday, March 10, 2011 9:21 AM
To: DOJExecSec (JMD)
Cc: Tolson, Kimberly G (JMD); Wells, Barbara A (JMD)
Subject: FW: Letter to General Holder
Attachments: 3.9.11 HJC Gunrunner Letter.pdf

Importance: High

Pls log the attached ltr. Thanks.

From: Agrast, Mark D. (SMO)
Sent: Wednesday, March 09, 2011 7:13 PM
To: Admin. Assistant ; Admin. Assistant
Cc: Weich, Ron (SMO); Burton, Faith (SMO); Gaston, Molly (SMO)
Subject: FW: Letter to General Holder

Admin. Assistant

Please log in and assign.

Mark

From: Lynch, Caroline [<mailto:Caroline.Lynch@mail.house.gov>]
Sent: Wednesday, March 09, 2011 5:30 PM
To: Agrast, Mark D. (SMO)
Cc: Hertling, Richard; Jezierski, Crystal
Subject: Letter to General Holder

Mark – attached please find a letter to General Holder. Thanks.

Caroline G. Lynch
Chief Majority Counsel
Subcommittee on Crime, Terrorism & Homeland Security
House Committee on Judiciary
B-370 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-5727
(202) 225-3672 (fax)