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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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LAWRENCE J. BRADY
STAFF DIRECTOR

April 20, 2011

Mr. Kenneth E. Melson
Acting Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dear Acting Director Melson:

The Committee on Oversight and Government Reform issued a subpoena to you on March 31, 2011. The subpoena instructed you to produce documents pertaining to Project Gunrunner and Operation Fast and Furious, conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I wrote to you on April 11, 2011 to reiterate that, “[a]bsent a valid assertion of executive privilege over the materials sought, I expect you to produce the things identified in the March 31, 2011, subpoena’s schedule by the return date.”¹ The April 13, 2011 deadline for compliance has passed without production of any documents.

I am disappointed that you have failed to produce any documents that would meet your legal obligations by the subpoena’s April 13th deadline. Instead of documents, after the deadline passed, I received a letter from Assistant Attorney General Ronald Weich. Mr. Weich did not assert a claim of executive privilege in withholding all documents from the Committee. Instead, the Department’s response again restated its lack of production was due solely to the Department’s internal policy relating to “ongoing law enforcement investigations,” “pending criminal investigations,” “on-going criminal investigations,” and “open criminal investigative files.”² Absent a claim of executive privilege, these vague assertions are not a valid basis for your decision to withhold documents.

¹ Letter from Rep. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov’t Reform (OGR), to Kenneth E. Melson, Acting Director, ATF (Apr. 11, 2011).

² Letter from Ronald Weich, Assistant Attorney General, DOJ, to Rep. Darrell E. Issa, OGR Chairman (Apr. 13, 2011) (hereinafter Weich Letter).

Mr. Weich's April 13, 2011 letter focuses almost exclusively on a general Department policy regarding pending criminal investigations. It is unclear to which specific criminal investigations Mr. Weich is referring. Such a blanket prohibition, if accepted, would conceal the entirety of Project Gunrunner and Operation Fast and Furious from legitimate congressional scrutiny. This is unacceptable. As a co-equal branch of government, Congress has a right, even a constitutional obligation, to conduct oversight of the Executive Branch, including the Department of Justice.

Over the past 85 years, the U.S. Supreme Court has consistently ruled the investigatory power of Congress is essential to the legislative function,³ and the Court has gradually expanded that power.⁴ Pointedly, the Supreme Court has also weighed in on the Department of Justice's internal policy of withholding documents to Congress that pertain to open criminal investigations:

It may be conceded that Congress is without authority to compel disclosure for the purpose of aiding the prosecution of pending suits; but the authority of that body, directly or through its committees to require pertinent disclosures in aid of its own constitutional power is not abridged because the information sought to be elicited may also be of use in such suits.⁵

The Department's internal policy to withhold documents from what it labels pending criminal investigations may not deprive Congress from obtaining those same documents if they are pertinent to a congressional investigation – particularly in a matter involving allegations that reckless and inappropriate decisions by top Justice Department officials may have contributed to the deaths of U.S. and Mexican citizens.

Let me be clear. The Committee is not seeking these documents from the Department of Justice in furtherance of the prosecution of pending suits. Rather, we are seeking these documents in furtherance of the proper use of our constitutional authority. Sometimes, we may take a deferential approach to the Department when we are both investigating a third-party's wrongdoing. Here, however, we are not conducting a concurrent investigation *with* the Department of Justice, but rather an independent investigation *of* the Department of Justice – specifically, of allegations that the reckless and inappropriate decisions of Department officials have created a serious public safety hazard. We are asking for documents that relate to decisions such officials made. Congress is legally entitled to all of these documents.

There are several prominent examples of Congress investigating the conduct of the Department of Justice while the Department proceeded simultaneously with criminal or civil probes:

³ *McGrain v. Daugherty*, 273 U.S. 135 (1927).

⁴ *Watkins v. United States*, 354 U.S. 178 (1957); *Barenblatt v. United States*, 360 U.S. 109 (1959).

⁵ *Sinclair v. United States*, 279 U.S. 263 (1929).

- Starting in 1922, Congress investigated “charges of misfeasance and nonfeasance in the Department of Justice”⁶ at the same time that the Department of Justice failed to prosecute meritorious cases against Department of Interior employees stemming from the Teapot Dome Scandal.
- In 1992, a House subcommittee investigated a Department of Justice plea bargain regarding environmental crimes committed by the company that managed the Rocky Flats nuclear weapons facility.⁷
- In 2004, the House Committee on Government Reform investigated allegations that agents in the FBI’s Boston regional office knowingly permitted informants to commit nearly two dozen murders while they were acting as informants. At the time of the congressional investigation, cases were still pending against the Department of Justice.⁸

In each of these instances, Congress was able to obtain a substantial amount of responsive documents to aid its investigation. There is no constitutional, statutory, or case law authority that permits the Department of Justice to withhold documents from Congress due to the pendency of a criminal probe.

Assistant Attorney General Weich’s most recent letter also noted that the Department of Justice “made available documents for review prior to [the subpoena deadline].”⁹ This statement, however, is misleading. The Department made only four documents available for an *in camera* review at Department of Justice headquarters. The viewing consisted of the following materials:

1. Southwest Border Initiative Project Gunrunner, December 2007.
2. ATF’s Project Gunrunner and OCDETF (Organized Crime Drug Enforcement Task Force).
3. Memorandum to all ADs and all Field Ops Personnel, from AD Field Ops.
4. Project Gunrunner – A Cartel Focused Strategy, September 2010.

These documents were quite general and largely unhelpful as none of them directly pertain to Operation Fast and Furious. This is not surprising considering that the Department of Justice believes it is “not in a position to disclose such documents, nor can [DOJ] confirm or deny the

⁶ *McGrain*, 273 U.S. at 151.

⁷ See *Environmental Crimes at the Rocky Flats Nuclear Weapons Facility: Hearings before the Subcomm. on Investigations and Oversight of the House Committee on Science, Space, and Technology*, 102nd Cong., 2d Sess., Vols. I and II (1992).

⁸ *Everything Secret Degenerates: The FBI’s Use of Murderers as Informants*, H. Rept. 108-414, 108th Cong., 2d Sess. (2004).

⁹ Weich Letter, *supra* note 2.

existence of records in [its] ongoing investigative files.”¹⁰ Undeterred by the Department’s refusal to produce documents, the Committee has been able to confirm independently that such documents do in fact exist. Attached to this letter are several documents the Committee has obtained indicating not only that the Department and ATF were aware that straw purchasers were consistently and illegally buying assault rifles and other weapons, but that they also failed to prevent their disappearance. Tragically, some of these weapons ATF represented it was tracking ended up at crime scenes, including at the locations of the murders of Border Patrol Agent Brian Terry and Immigrations and Customs Enforcement Officer Jaime Zapata.

Attachment 1 is a January 13, 2010 e-mail from an ATF employee containing a list of 42 names added to the Suspect Person Database. One of these names is Jaime Avila. Attachment 2 shows a Suspect Gun Summary for three WASR-10 rifles that Jaime Avila bought just three days later, on January 16, 2010. These guns were entered into ATF’s database on January 19, 2010. Attachment 3 is a Significant Information Report regarding the murder of Brian Terry. The Report states that “[t]wo (2) of the AK-47 variant rifles purchased by AVILA on 01/16/2010 were recovered in the area during” the search after Terry’s murder. This document demonstrates that ATF knew straw purchasers were acquiring weapons and failed to track those weapons. As an apparent result, a U.S. federal agent lost his life.

Attachment 4 shows the results of three Firearms Trace Summaries for Ranferi Osorio and Kelvin Morrison, his neighbor. One of the weapons recovered at the murder scene of Jaime Zapata was traced to a purchase made by Otilio Osorio, Ranferi’s brother.¹¹ The Attachment shows that not only did Ranferi Osorio and Kelvin Morrison purchase assault rifles, but these weapons had shown up at crime scenes, as indicated by the “Time to Crime” section of the Firearms Trace Summary. Both the Department and ATF knew that weapons were turning up at crime scenes, yet did not act. This is even more egregious when read in conjunction with an e-mail from Group VII Supervisor David Voth, as shown in Attachment 5. In the e-mail, Voth says:

[W]ithout being dramatic we have a sense of urgency with regards to this investigation. Our subjects purchased 359 firearms during the month of March alone, to include numerous Barrett .50 caliber rifles. I believe we are righteous in our plan to dismantle this entire organization and to rush in to arrest any one person without taking in to account the entire scope of the conspiracy would be ill advised to the overall good of the mission.

As a result of this “plan,” another U.S. federal agent may have also lost his life.

Attachment 6 presents a summary of the number of firearms purchased with ATF’s knowledge during the pendency of Operation Fast and Furious. The amount of firearms is a staggering 1,500 (minimum) heavy-duty weapons. Attachment 7 is an e-mail exchange between a Federal Firearms Licensee (FFL) and ATF in which the FFL expresses concern over the

¹⁰ Letter from Assistant Attorney General Ronald Weich to OGR Chairman Darrell E. Issa (Apr. 8, 2011).

¹¹ See Press Release, Department of Justice, Three Dallas-Area Men Arrested on Federal Firearms Charges Related to Trafficking Firearms to a Mexican Drug Cartel (Mar. 1, 2011).

frequency of guns sold, and the strong possibility guns sold to straw purchasers would end up in Mexico or “in the hands of bad guys.” ATF, in conjunction with the Department of Justice, assures the FFL that there are safeguards in place to prevent this from happening. This claim is belied, however, by an e-mail (Attachment 8) showing that ATF knew that many of these 1,500 firearms would “eventually be used in criminal activity.” As clearly seen in Attachment 9, the Group VII Supervisor was fully aware that violence in Mexico was extremely high, yet failed to alter ATF’s approach. Attachment 10 is a forceful e-mail indicating that officials at ATF headquarters were “paying close attention” to Fast and Furious. Contained in Attachment 11 are detailed Reports of Investigation tracking suspected straw purchasers as part of Fast and Furious. These reports preceded the murders of Brian Terry and Jaime Zapata by several months.

It is nearly unfathomable that our government would allow straw purchasers to illegally acquire automatic weapons and transport them into Mexico, in furtherance of an ATF-led and -inspired investigation. As I understand Department of Justice operations, such programs would require the approval of top officials. The Committee’s experience in dealing with the Department is that it is a deliberate, methodical organization and is not agile. As such, officials at the highest levels of the Department more than likely made these decisions – with all due, if misguided, consideration.

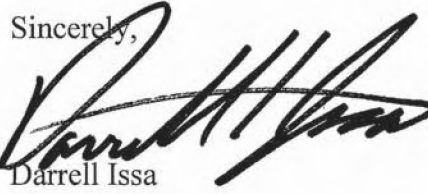
Efforts by the Department of Justice and ATF to stonewall the Committee in its investigation by erroneously, but matter-of-factly, citing an internal department policy as a preventative measure for denying access to documents have only enhanced suspicions that such officials have played a role in reckless decisions that have put lives at risk. The Committee continues to pursue this matter vigorously, in part, because concerned individuals have indicated they do not have confidence in the Department’s ability to review the actions of its own top officials. The attachments to this letter represent but a small sample of myriad relevant and responsive documents.

The Committee’s request for documents has been pending since March 16, 2011. Senator Charles Grassley’s requests have been pending since January. Even if a legal basis did exist for withholding documents, the first step in evaluating this argument and the basis for a meaningful conversation between the Committee and the Department of Justice would be the production of a log of documents responsive to the subpoena with a specific explanation as to why you cannot produce each document. The Department has failed to provide any such log. Without such a log, the Committee is unable to consider the validity of any potential claim of privilege.

While I am certainly sensitive to protecting the integrity of pending criminal investigations, the Department has not provided information to substantiate its claims or produced other documents unrelated to specific cases. Therefore, I am hereby informing you that the Committee intends to enforce the subpoena issued to you on March 31, 2011. If you do not comply with the subpoena, the Committee will be forced to commence contempt proceedings.

Mr. Kenneth E. Melson
April 20, 2011
Page 6

If you have any questions about this matter, please contact Ashok Pinto or Henry Kerner of the Committee staff at (202) 225-5074.


Sincerely,

Darrell Issa
Chairman

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Charles E. Grassley, Ranking Member,
U.S. Senate, Committee on the Judiciary

ATTACHMENT 1







ATF

Please be advised that the Consolidated Appropriations Act of 2009, Public L. 111-8, which became effective on March 12, 2009, restricts the disclosure of any part of the contents of the Firearms Tracing System or any information required to be kept by Federal Firearms Licensees pursuant to 18 USC 923(g), or required to be reported pursuant to 18 USC 923(g)(3) and 923(g)(7).

The information, which is being provided per your request, is for official law enforcement use only and may only be disseminated by the Bureau of Alcohol, Tobacco, Firearms and Explosives to a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution; or a Federal agency for a national security or intelligence purpose. This disclosure restriction shall not be construed to prevent the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or the publication of statistical aggregate data regarding firearms traffickers and trafficking channels, firearms misuse, felons, and trafficking investigations. If you have questions regarding these restrictions please contact ATF legal counsel prior to disclosing any of the information provided in this correspondence outside of ATF.

Please complete the attached OSII Customer Satisfaction Survey form. Click on the "Mail" box located at the bottom of the form and then click on "Send".

Sincerely,


Program Analyst
Bureau of Alcohol, Tobacco, Firearms and Explosives
Office of Strategic Intelligence and Information
Violent Crime Intelligence Division
Violent Crime Analysis Branch
Main Office #: (304) 
Direct #: (304) 
Fax #: (304) 

ATTACHMENT 2

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER

Phone: (800) [REDACTED] Fax: (800) [REDACTED]

Print Date: [REDACTED]



SUSPECT GUN SUMMARY

ATF

ATTACHMENT 3

DATE: 12/16/2010

FROM: Phoenix Field Division

FIELD OFFICE: Phoenix VII Field Office

CASE INFORMATION

CASE NUMBER: 785115-10- [REDACTED]

CASE TITLE: [REDACTED]

SPECIAL AGENT:

ATF

TELEPHONE NUMBER:

(602) [REDACTED]

SYNOPSIS OF INCIDENT/ACTIVITY

Arrest of: ATF

NARRATIVE OF INCIDENT/ACTIVITY

On January 16, 2010, ATF purchased three (3) AK-47 variant rifles from a Phoenix area PPL. On December 15, 2010, after the shooting death of a U.S. Border Patrol agent in Southern Arizona, law enforcement officers/agents conducted a search of the area. Two (2) of the AK-47 variant rifles purchased ATF 1/16/2010 were recovered in the area during this search.

On December 15, 2010, ATF agents located ATF subsequently interviewed and arrested him on charges stemming from this January 16, 2010, firearm purchase. In summary, ATF admitted to ATF agents that he straw-purchased these firearms for an unidentified Hispanic male.

ATF was held overnight and ATF agents have prepared a criminal complaint ATF on firearm charges relating to the straw purchase of three (3) AK-47 variant rifles on 01/16/2010 and are presenting it to a Federal Magistrate today (12/16/10).

ATTACHMENT 4

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER

Phone:(800) [REDACTED] Fax:(800) [REDACTED]

Print Date: [REDACTED]



FIREARMS TRACE SUMMARY

ATF

FOR OFFICIAL USE ONLY

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

NATIONAL TRACING CENTER
Phone:(800) [REDACTED] Fax:(800) [REDACTED]

Print Date: [REDACTED]



FIREARMS TRACE SUMMARY

ATF

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER

Phone:(800) [REDACTED] Fax:(800) [REDACTED]

Print Date: [REDACTED]



FIREARMS TRACE SUMMARY

ATF

FOR OFFICIAL USE ONLY

ATTACHMENT 5

[REDACTED]

From: ATF
Sent: Friday, April 02, 2010 10:31 AM
To: Hurley, Emory (USAAZ); Gillett, George T. Jr.
Co: Phoex-Group VII
Subject: No pressure but perhaps an increased sense of urgency...

NO PRESSURE BUT PERHAPS AN INCREASED SENSE OF URGENCY

958 killed in March 2010 (Most violent month since 2005)

937 killed in January 2010

842 killed in December 2009

NO PRESSURE BUT PERHAPS AN INCREASED SENSE OF URGENCY

187 murders in March, including 11 policemen

I hope this e-mail is well received in that it is not intended to imply anything other than that the violence in Mexico is severe and without being dramatic we have a sense of urgency with regards to this investigation. Our subjects purchased 359 firearms during the month of March alone, to include numerous Barrett .50 caliber rifles. I believe we are righteous in our plan to dismantle this entire organization and to rush in to arrest any one person without taking in to account the entire scope of the conspiracy would be ill advised to the overall good of the mission. I acknowledge that we are all in agreement that to do so properly requires patience and planning. In the event however that there is anything we can do to facilitate a timely response or turnaround by others we should communicate our sense of urgency with regard to this matter.

Thanks for everyone's continued support in this endeavor,

ATF

Group Supervisor
Phoenix Group VII
602 [REDACTED]

ATTACHMENT 6

Phoenix Group VII

(GRIT/SWB Firearms Trafficking)

785115-10-0004, Operation Fast and Furious: This OCDETF case is a large scale firearms trafficking case with the firearms being recovered either in the Republic of Mexico or on/near the US/Mexico border (El Paso, TX, Nogales, AZ, Douglas, AZ, etc.) To date over 1,500 firearms have been purchased since October 2009 for over one million (\$1,000,000.00) cash in over-the-counter transactions at various Phoenix area FFLs.

ATF

ATF

ATF against various individuals but more specifically to make the bigger connection to the Mexican Cartel/Drug Trafficking Organization (DTO) obtaining these firearms for the best possible case and the most severe charges when it is time to indict this case.



ATTACHMENT 7

Ongoing ATF investigation

6 messages

ATF <[REDACTED]> @usdoj.gov> Tue, Apr 13, 2010 at 9:24 AM
 To: ATF [REDACTED]
 Cc: ATF Agent [REDACTED] @usdoj.gov>, ATF Agent [REDACTED] @usdoj.gov>, ATF Agent [REDACTED] @usdoj.gov>

ATF

I understand that the frequency with which some individuals under investigation by our office have been purchasing firearms from your business has caused concerns for you. I totally understand and am not in a position to tell you how to run your business. However, if it helps put you at ease we (ATF) are continually monitoring these suspects using a variety of investigative techniques which I cannot go into detail. We are working in conjunction with the United States Attorney's Office (Federal Prosecutors) to secure the most comprehensive case involving the different facets of this organization. If it puts you at ease I can schedule a meeting with the Attorney handling the case and myself to further discuss this issue. Just know that we cannot instruct you on how to run your business but your continued cooperation with our office has greatly aided the investigation thus far.

Thanks again and please let me know how I can be of service to you.

Respectfully,

ATF

Group Supervisor

Phoenix Group VII

602-[REDACTED]

ATF [REDACTED] Tue, Apr 13, 2010 at 1:29 PM
 To: ATF [REDACTED] @usdoj.gov>
 Cc: ATF Agent [REDACTED] @usdoj.gov>, ATF Agent [REDACTED] @usdoj.gov>, ATF Agent [REDACTED] @usdoj.gov>, ATF [REDACTED] @usdoj.gov>

ATF

[REDACTED]

Let me start by saying thank you for the email and as always we will do what we can to continue to work with you and the ATF on Project Gun Runner. Our goal is to develop a system to get you (ATF) what you need in the most efficient manner possible. For us, we were hoping to put together something like a letter of understanding to alleviate concerns of some type of recourse against us down the road for selling these items. We just want to make sure we are cooperating with ATF and that we are not viewed as selling to bad guys. If you and the case Attorney are free to meet some time this week or next, that would be great. I am out of town Friday of this week and have meetings Thursday afternoon but am open other than that and I am open next week. Please let me know what would work best for you.

Thank you again and I look forward to meeting.

Respectfully,

ATF

[REDACTED]

[REDACTED]

[REDACTED]

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Tue, Apr 13, 2010 at 1:29 PM

To: [REDACTED]

Delivery to the following recipient failed permanently:

[REDACTED]

Technical details of permanent failure:

Message rejected. Please visit http://www.google.com/mail/help/bulk_mail.html to review our Bulk Email Senders Guidelines.

[REDACTED]

[REDACTED]

From: ATF
 To: ATF
 Cc: ATF Agent <@usdoj.gov>, ATF Agent <@usdoj.gov>, ATF Agent <@usdoj.gov>, ATF Agent <@usdoj.gov>

ATF

Let me start by saying thank you for the email and as always we will do what we can to continue to work with you and the ATF on Project Gun Runner. Our goal is to develop a system to get you (ATF) what you need in the most efficient manner possible. For us, we were hoping to put together something like a letter of understanding to alleviate concerns of some type of recourse against us down the road for selling these items. We just want to make sure we are cooperating with ATF and that we are not viewed as selling to bad guys. If you and the case Attorney are free to meet some time this week or next, that would be great. I am out of town Friday of this week and have meetings Thursday afternoon but am open other than that and I am open next week. Please let me know what would work best for you.

Thank you again and I look forward to meeting.

Respectfully,

ATF

[REDACTED]

Tue, Apr 13, 2010 at 1:31 PM

----- Forwarded message -----

From: ATF
Date: Tue, Apr 13, 2010 at 1:29 PM
Subject: Re: Ongoing ATF investigation
To: ATF <@usdoj.gov>
Cc: ATF Agent <@usdoj.gov>, ATF Agent <@usdoj.gov>, ATF Agent <@usdoj.gov>

ATF

ATF

Thu, Apr 15, 2010 at 9:23 AM

To: ATF
Cc: ATF Agent <@usdoj.gov>, ATF Agent <@usdoj.gov>, ATF Agent <@usdoj.gov>

ATF

We at ATF consider Cooperating FFL [REDACTED] to be our alley in Project Gunrunner SWB Initiative and appreciate your cooperation with us in regards to this (and all) law enforcement matters. I have inquired from the Assistant United States Attorney (AUSA) handling this case as to his availability to meet with you next week. He is checking his schedule and I expect to hear from him soon.

Thanks again and please contact me any time with questions or concerns,

ATF

Group Supervisor

Phoenix Group VII

602- [REDACTED]

From: **ATF** [REDACTED]
Sent: Tuesday, April 13, 2010 1:30 PM
To: **ATF** [REDACTED]
Cc: **ATF Agent** [REDACTED], **ATF Agent** [REDACTED], **ATF Agent** [REDACTED], **ATF** [REDACTED]
Subject: Re: Ongoing ATF Investigation

ATF

[REDACTED]

ATF [REDACTED] Thu, Apr 15, 2010 at 10:39 AM
To: **ATF** [REDACTED]@usdoj.gov>
Cc: **ATF** [REDACTED]@usdoj.gov>, **ATF Agent** [REDACTED]@usdoj.gov>, **ATF Agent** [REDACTED]@usdoj.gov>, **ATF Agent** [REDACTED]@usdoj.gov>

ATF

Thank you for the kind words and the continued support. We will continue handling the transactions as we have in the past until we meet. If there is anything you need in the interim please don't hesitate to ask.

See you soon.

Respectfully,

ATF

[REDACTED]

[REDACTED] 2/14/2011

Fox News report

3 messages

ATF

To: ATF <[redacted]@usdoj.gov>

Thu, Jun 17, 2010 at 11:56 AM

ATF

I hope this email finds you well.

As per our discussion about over communicating I wanted to share some concerns that came up. Tuesday night I watched a segment of a Fox News report about firearms and the border. The segment, if the information was correct, is disturbing to me. When you, Emory and I met on May 13th I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could or would ever end up south of the border or in the hands of the bad guys. I guess I am looking for a bit of reassurance that the guns are not getting south or in the wrong hands. I know it is an ongoing investigation so there is limited information you can share with me. But as I said in our meeting, I want to help ATF with its investigation but not at the risk of agents safety because I have some very close friends that are US Border Patrol agents in southern AZ as well as my concern for all the agents safety that protect our country. If possible please email me back and share with me any reassurances that you can.

As always thank you for your time and I send this email with all respect and a hart felt concern to do the right thing.

Respectfully,

ATF

[redacted signature block]

[redacted signature block]

ATF

To: ATF <[redacted]@usdoj.gov>

Fri, Jun 18, 2010 at 2:25 PM

[redacted footer]

ATF

Thanks for reaching out to me with your concerns. I would be happy to stop by and speak with you. If possible I have [redacted] in [redacted] next Tuesday, June 22, 2010. Any chance you are available that day around 10:00-10:30 am?

Thanks,

ATF

From: [redacted] **ATF**
Sent: Thursday, June 17, 2010 11:56 AM
To: **ATF**
Subject: Fox News report

[redacted] **ATF**
Reply-To: [redacted] **ATF**
To: **ATF** <[redacted]@usdoj.gov>

Mon, Jun 21, 2010 at 9:34 PM

ATF

I am back intown. If you are still free to meet on the 22nd [redacted] around 10 and there for a few hours. Please stop by if you are available, if not let me know when we can reschedule.

Thank you,

ATF

Sent from my Verizon Wireless BlackBerry

From: **ATF** <[redacted]@usdoj.gov>
Date: Fri, 18 Jun 2010 17:25:25 -0400
To: **ATF**
Subject: RE: Fox News report

ATTACHMENT 8

[REDACTED]

From: [REDACTED]
Sent: Thursday, June 17, 2010 8:09 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Suspect Databases #LE1001715
Attachments: SGF33171.pdf; Suspect Person.doc

Good Morning, [REDACTED]
I am not sure if you received an answer to your inquiry as to the "SUSPECT" Databases.

The Suspect Person Database, this is handled by the Violent Crime Analysis Branch (VCAB). I have attached a copy of both submission forms for your review and completion. For additional information on Suspect "Person", please contact [REDACTED] or [REDACTED] for additional assistance at VCAB; phone 304-[REDACTED].

Suspect Gun - Entries made to this program are firearms that have "NOT" been recovered by law enforcement but suspected to eventually be used in criminal activity. Once the firearms are entered in the system, you will receive a report, representative of the firearm information that was provided. For the trace to be a "hit", all of the weapon information must match; that is, the manufacturer, weapon type, caliber and serial number. If the NTC receives a Trace request for any of the firearms submitted, the Suspect Gun Program will advise you upon email notification to include Requestor information. It is part of our procedures of Suspect Gun to obtain the Suspect Gun Case Status when an incoming Trace is submitted to the NTC on an Active Suspect Gun Case, regardless of the Trace requestor. At this point the trace will be held pending upon written verification from the Suspect Gun case agent.

The Suspect Gun Database is beneficial to the law enforcement in providing investigative leads when dealing with firearms trafficking and straw purchasers. This information can also be shared between law enforcement agencies for comparing records or ongoing investigations. Checking trace requests against the Suspect Gun Database also saves valuable time in processing trace requests.

If you are submitting a large list of firearms it would be best to have an attached Word or Excel document detailing the FFL, identifying each firearm (complete weapon description), include the purchaser (if available), purchase date (if available) and FFL involved (if available) for the purchase.

Please be advised that the Suspect Gun Program requires an active ATF investigation number for entry into the Suspect Gun Database. Gun Database (general IN numbers, case 765065-07-[REDACTED], are no longer accepted). Also indicate whether or not the National Tracing Center (NTC) can release Trace history to other requestors.

Please note that an updated Suspect Gun Submission form has been attached for future submissions which can be faxed to 800-[REDACTED] or emailed directly to our Suspect Gun email box through outlook at [REDACTED].

All information regarding this Theft, Multiple Sale and/or any other Trace requests can be obtained by using eTrace. In the event that you do not have access, access can be requested by contacting the E-Trace Administrator at 304-[REDACTED] or via email at [REDACTED]. In the event that you do not have access, access can be requested by contacting the Law Enforcement Support Branch at 304-[REDACTED] or 800-[REDACTED].

ATTACHMENT 9

[REDACTED]
From:
Sent:
To:
Subject:

ATF

Monday, May 03, 2010 11:13 AM
Phoe-Group VII
Just an FYI...

➤ April was the second most violent month during the Calderon administration with 1,231 executions. This is more than twice that accumulated in the same month in 2009 (560 dead) and five times that of 2008 (270).

ATF

Group Supervisor
Phoenix Group VII
602-[REDACTED]

ATTACHMENT 10

[REDACTED]

From: ATF
Sent: Friday, March 12, 2010 7:34 PM
To: Phoe-Group VII
Subject: Monday Morning Meeting, Strike force 9:30am

To all;

It has been brought to my attention that there may be a schism developing amongst the group. This is the time we all need to pull together not drift apart. We are all entitled to our respective (albeit different) opinions however we all need to get along and realize that we have a mission to accomplish.

I am thrilled and proud that our Group is the first ATF Southwest Border Group in the country to be [REDACTED]. On that note I thank everyone for their efforts thus far and applaud the results we have achieved in a short amount of time.

Whether you care or not people of rank and authority at HQ are paying close attention to this case and they also believe we (Phoenix Group VII) are doing what they envisioned the Southwest Border Groups doing. It may sound cheesy but we are "The tip of the ATF spear" when it comes to Southwest Border Firearms Trafficking.

We need to resolve our issues at this meeting. I will be damned if this case is going to suffer due to petty arguing, rumors or other adolescent behavior.

I don't know what all the issues are but we are all adults, we are all professionals, and we have a exciting opportunity to use the biggest tool in our law enforcement tool box. If you don't think this is fun you're in the wrong line of work - period! This is the pinnacle of domestic U.S. law enforcement techniques. After this the tool box is empty. Maybe the Maricopa County Jail is hiring detention officers and you can get paid \$30,000 (instead of \$100,000) to serve lunch to inmates all day.

One last point is that we have many of our brother and sister ATF agents coming into town to assist us on this case. We have to put our best effort forward and lead by example. No one wants to leave their families behind, or leave their case work behind to come help someone who does even appreciate their sacrifice.

We need to get over this bump in the road once and for all and get on with the mission at hand. This can be the most fun you have with ATF, the only one limiting the amount of fun we have is you!

ATF
Group Supervisor
Phoenix Group VII
602 [REDACTED]

ATTACHMENT 11

Report of Investigation

Title of Investigation: [REDACTED]	Investigation Number: 786115-10-[REDACTED]	Report Number: 1
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SUMMARY OF EVENTS:

ATF

NARRATIVE:

1. [REDACTED]
2. **ATF**
3. [REDACTED]

Prepared by: [REDACTED]	Title: Special Agent, Phoenix VII Field Office	Signature:	Date:
Authorized by: ATF	Title: Group Supervisor, Phoenix VII Field Office	Signature:	Date:
Second level reviewer (optional): William D. Nowell	Title: Special Agent in Charge, Phoenix Field Division	Signature:	Date:

Title of Investigation:

Investigation Number:

Report Number:

785445-10-

4.

5.

ATF

ATTACHMENTS:

1.

2.

ATF

EXHIBITS:

1.

ATF

Report of Investigation

Title of Investigation: [REDACTED]	Investigation Number: 785115-10-[REDACTED]	Report Number: [REDACTED]
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SUMMARY OF EVENT:

ATF

NARRATIVE:

- 1.
 - 2.
 - 3.
 - 4.
- ATF**

Prepared by: [REDACTED]	Title: Special Agent, Phoenix VII Field Office	Signature:	Date:
Authorized by: ATF	Title: Group Supervisor, Phoenix VII Field Office	Signature:	Date:
Second level reviewer (optional): William D. Newell	Title: Special Agent in Charge, Phoenix Field Division	Signature:	Date:

ATF

ATTACHMENTS:

1.

ATF

EXHIBITS:

2.

ATF

3.

Report of Investigation

Title of Investigation: [REDACTED]	Investigation Number: 785115-10 [REDACTED]	Report Number: 1
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SUMMARY OF EVENT:

ATF

NARRATIVE:

ATF

Prepared by: [REDACTED]	Title: Special Agent, Phoenix VII Field Office	Signature:	Date:
Authorized by: ATF	Title: Group Supervisor, Phoenix VII Field Office	Signature:	Date:
Second level reviewer (optional): William D. Newell	Title: Special Agent in Charge, Phoenix Field Division	Signature:	Date:

4.

ATF

5.

6.

ATTACHMENTS:

I.

ATF

EXHIBITS:

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ATF

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