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Congress of the United States

House of Representatives

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June 8, 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:

I write to further document your failure to comply with the Committee's March 31, 2011, subpoena. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the Department of Justice's (DOJ) continued refusal to produce documents relevant to the Committee's investigation into Operation Fast and Furious is unacceptable and contrary to your lawful obligations. The Committee issued a subpoena to you in your capacity as the Acting Director of ATF on March 31, 2011. The Committee has also written seven letters to ATF and DOJ, dated March 16, April 8, April 11, April 20, April 20, May 3, and May 5. Further, Committee staff has had dozens of telephone calls with DOJ's Legislative Affairs office and officials in the Office of the Deputy Attorney General, with the most recent extensive conversations on May 22, 24, 25, and 26. The result of these communications, however, has been the production of no non-public documents by DOJ and ATF, and the presentation of largely unhelpful documents for *in camera* review.

At a May 5, 2011, meeting high-level officials assured Committee staff that both DOJ and ATF would cooperate with the Committee's investigation. The deliberate delay and refusal to comply with the subpoena have belied these assurances. At the meeting, an Associate Deputy Attorney General told my staff to identify any specific documents the Committee wished to obtain to ease the burden on DOJ to locate documents helpful to the Committee's investigation. Yet, after Committee staff identified two such documents to DOJ on May 11, 2011, the Department has continuously refused to produce those documents, only making them available for an *in camera* review.

This massive expenditure of Committee time and resources has resulted in neither full nor even partial compliance by DOJ – more than two months after you received the subpoena. This unacceptable result calls for further action. Ultimately, Congress must be able to obtain information from DOJ to properly exercise its constitutionally mandated duty to conduct oversight of the Executive Branch.

Mr. Kenneth E. Melson
June 8, 2011

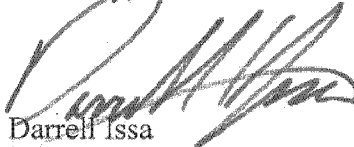
Accordingly, I now ask that you produce all documents responsive to the March 31, 2011, subpoena by June 10, 2011, at 5:00 p.m. An *in camera* review of these documents will not suffice. I also request that you provide these additional documents to the Committee no later than Monday, June 13, 2011, at noon:

1. Reports ATF submitted to the Organized Crime Drug Enforcement Task Force (OCDETF) for the initiation of Operation Fast and Furious as an OCDETF operation, or any reports ATF provided to OCDETF with interim updates on the progress of Operation Fast and Furious.
2. Materials provided to you in preparation for all of your visits to Arizona field offices between January 2010 and November 2010, including, but not limited to, your trips to Tucson in June 2010 and Phoenix in September 2010.
3. Documents and communications between FBI personnel in Phoenix or Tucson and the FBI Laboratory relating to the firearms recovered during the course of the investigation of Agent Brian Terry's death.
4. Documents and communications relating to meetings from February to April 2011 that included David Voth, Tonya English, Jim Needles, Emory Hurley, Michael Morrissey, or Christopher Rapp.
5. Documents and communications relating to Operation Fast and Furious between ATF personnel and personnel in the United States Attorney's Office for the District of Arizona.
6. The presentation given by David Voth on or about March 5, 2010 on the southwest border, attended by DOJ official Joe Cooley and senior ATF officials.

Absent a complete production of documents pursuant to the subpoena by the dates mentioned, the Committee will be forced to evaluate whether contempt sanctions must be considered.

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

Sincerely,



Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member
Committee on Oversight and Government Reform

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