



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Chief Counsel

Washington, DC 20226
www.atf.gov

Robert N. Driscoll, Esq.
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Washington, DC 20004-1404

JUN 14 2011

Dear Mr. Driscoll:

We understand that the House Committee on Oversight and Government Reform has issued a subpoena for the testimony of your client, [ATF] before the Committee at a hearing on June 15, 2011. The Committee's subpoena directs [ATF] to testify about information derived from his employment with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and we understand that [ATF] wishes to provide testimony.

In testifying at a hearing before the House Committee on Oversight and Government Reform, your client is encouraged to answer fully and candidly all questions concerning matters within his personal knowledge. His appearance before the Committee does not, of course, relieve him of any obligations of secrecy that are imposed upon him concerning certain matters arising from his official duties as an ATF Special Agent. For example, he may not reveal any information covered by Rule 6(e) of the Federal Rules of Criminal Procedure relating to matters occurring before a grand jury; tax information; [ATF] information, or any other matters prohibited from disclosure by statute, regulation, or court rule. An extended, but not exhaustive, list of such matters may be found in 28 C.F.R. 16.26.

These policies and regulations require that your client not reveal the existence of any ongoing investigation, the identity of individuals who were the subject of past investigations but never charged, any information that would identify or tend to identify a confidential informant or source, any information about investigative techniques, and classified information. In addition, with regard to any open or pending investigation or prosecution, these policies and regulations require that your client not reveal information unless the Department has already publicly disclosed the information, such as through pleadings or press releases. For example, your client should not identify witnesses, subjects, or targets; evidence obtained in the course of the investigation and investigative leads; or the content of Reports of Investigation (ROIs).

Robert N. Driscoll, Esq.

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If you have any questions regarding this matter, please contact Acting Deputy Chief Counsel **ATF** at (202) 648-7836. Your cooperation in this matter is appreciated.

Sincerely,

STEPHEN R. RUBENSTEIN
Chief Counsel

By: 

ATF

Associate Chief Counsel (Field Operations and Information)

Bureau of Alcohol, Tobacco, Firearms and Explosives

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ATF