
From: Appelbaum, Judy (SMO)
To: Richardson, Margaret (SMO)
CC: Weich, Ron (SMO)
Sent: 6/15/2011 1:59:56 PM
Subject: FW: Outstanding Grassley QFRs on Fast and Furious

Here's where they were assigned. Doug thought they were put on hold by ODAG, but if you want to set a deadline, we just need to communicate that to those assigned and get them done. Note that some are assigned to ODAG itself.

From: Admin. Assistant (JMD)
Sent: Wednesday, June 15, 2011 1:58 PM
To: Appelbaum, Judy (SMO)
Cc: Levine, Doug (SMO)
Subject: Outstanding Grassley QFRs on Fast and Furious

Judy: Here are the outstanding Grassley Fast and Furious QFRs. All of Grassley's other QFRs have already been drafted. Thanks, Admin. Assistant

Outstanding Grassley QFRs on Fast and Furious

- 37, 45, 46, 50 - OLA/GASTON/BURTON
- 39, 40, 47 - EOUSA
- 42, 43 - ODAG/Axelrod

OLA/GASTON/BURTON

ATF Investigative Strategy Briefing Paper

37. The Department of Justice wrote on February 4, 2011, in response to letters I sent on January 27 and January 31:

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. ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.

Yet one briefing paper written by ATF Phoenix Field Office agents listed the investigative strategy of Operation Fast and Furious. The briefing paper, which was recently released by the House Oversight and Government Reform Committee states:

Currently our strategy is to allow the transfer of firearms to continue to take place in order to further the investigation and allow for the identification of additional coconspirators who would continue to operate and illegally traffic firearms to Mexican DTOs [Drug Trafficking Organizations] which are perpetrating armed violence along the Southwestern Border.

Questions:

A. Have you read this briefing paper?

Response:

- B. Was it ever provided to the Deputy Attorney General's office or any other component of the Justice Department other than the ATF? If so, please describe the circumstances in detail.

Response:

- C. How does this document square with your Department's assertion that "ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico"?

Response:

- D. How does this document square with your Department's assertion that the whistleblower allegations are false?

Response:

- E. Why was this inaccurate information provided to the Senate Judiciary Committee?

Response:

- F. What steps were taken to verify the truth of the assertions in the February 4, 20011 letter before it was sent?

Response:

- G. Please list each official within DOJ and ATF who reviewed the draft letter and indicate whether that individual was aware of the briefing paper at that time.

Response:

45. **Other Awareness**

Questions:

- A. Before the death of Border Patrol Agent Brian Terry, who else at the Justice Department headquarters knew about the existence of Operation Fast and Furious or the strategy of "*allow[ing] the transfer of firearms to continue to take place in order to further the investigation*"?

Response:

- B. When and how did they become aware of it?

Response:

46. **Priorities**

When questioned about portions of the above matters at the House Judiciary Committee hearing last week, you repeatedly said that you were not sure or did not know the answer.

Questions:

Since your Department informed me on March 2, 2011, that you had asked the Acting Inspector

General to evaluate the concerns that had been raised about ATF's actions, you had at least two months to inquire into this matter. Other than referring this matter to the Acting Inspector General, what actions have you personally taken to inquire into Operation Fast and Furious or the strategy of “*allow[ing] the transfer of firearms to continue to take place in order to further the investigation*”—now that you are aware of it?

Response:

50. Accountability

- A. If Acting Director Melson was fully informed of Operation Fast and Furious throughout the operation, do you believe he should be held accountable?

Response:

- B. If the whistleblower allegations of allowing straw purchases of weapons in Operation Fast and Furious prove true and Acting Director Melson approved, condoned or remained complicit of these investigative techniques, should he be removed from his position of leadership at ATF?

Response:

- C. If individuals in the Deputy Attorney General's office were aware that the ATF was not making every effort to interdict guns that have been purchased illegally and approved, condoned, or remained complicit regarding the ATF techniques of knowingly allowing straw purchases, do you believe they should be held accountable?

Response:

- D. If individuals in the office of the Assistant Attorney General for the Criminal Division were aware that the ATF was not making every effort to interdict guns that have been purchased illegally and approved, condoned, or remained complicit regarding the ATF techniques of knowingly allowing straw purchases, do you believe they should be held accountable?

Response:

- E. Who do you believe should be held accountable for the “major errors” of Operation Fast and Furious?

Response:

EOUSA

39. U.S. Attorney's Office Involvement

Questions:

- A. When did U.S. Attorney Dennis Burke first become aware of Operation Fast and Furious and the strategy of “*allow[ing] the transfer of firearms to continue to take place in order to further then investigation*”?

Response:

- B. What was his subsequent involvement in Operation Fast and Furious?

Response:

- C. When did Assistant U.S. Attorney Emory Hurley first become aware of Operation Fast and Furious and the strategy of “*allow[ing] the transfer of firearms to continue to take place in order to further then investigation*”?

Response:

- D. What was his subsequent involvement in Operation Fast and Furious?

Response:

- E. As of May 10, 2011, is the U.S. Attorney's Office for the District of Arizona listed as the point of contact for any Phoenix Police Department criminal case? If so, please describe each case and explain why a Phoenix AUSA is listed as the point of contact on each case.

Response:

- F. I understand that the U.S. Attorney's Office for the District of Arizona has been unwilling in recent history to prosecute firearm trafficking or straw purchase cases in which they did not have the possession of the firearm because of a belief that case law required it as “the *corpus* of the crime.” This policy was followed even in cases where there was a signed confession from the straw purchaser or trafficker. However, I also understand that other districts, including others in the 9th circuit, do not take that position. Is it the Justice Department's understanding possession of the firearm is required to prosecute a straw purchaser or trafficker? If not, please explain why this policy is enforced in the District of Arizona.

Response:

- G. How many cases have been declined for prosecution by U.S. Attorney's Office in the District of Arizona on this basis? How many have been declined in each of the other districts on this basis?

Response:

40. Federal Firearms Licensees

On April 13, 2011, I provided DOJ emails in which Federal Firearms Licensees (FFLs) expressed concerns to ATF about the dangers of engaging in suspicious sales to further the ATF's investigation. ATF arranged at least one meeting between at least one FFL and the U.S. Attorney's Office for the District of Arizona to discuss these concerns.

Questions:

- A. How many meetings did the U.S. Attorney's Office for the District of Arizona have with FFLs to discuss similar concerns?

Response:

- B. Please describe in detail the dates, participants, and communications during any such meetings.

Response:

47. Connection of Terry Guns to Operation Fast and Furious

In your testimony before the House Judiciary Committee last week, you said that if the guns that were found at the murder scene of Border Patrol Agent Brian Terry had indeed come from the ATF's Operation Fast and Furious, a serious problem likely occurred. I identified for you in my February 9, 2011, letter the serial numbers of the two firearms recovered at Agent Terry's murder scene, as well as the fact that both were purchased by Operation Fast and Furious suspect Jaime [ATF] on January 16, 2010.

Questions:

Given that the recently unsealed indictment of Manuel Osorio-Arellanes for his involvement in the murder of Border Patrol Agent Brian Terry confirms the serial numbers of two AK-47 variant rifles recovered at the murder scene, does the Department officially acknowledge that those two guns are connected to Operation Fast and Furious?

Response:

ODAG/MATT AXELROD

42. Awareness of Operation Fast and Furious

Questions:

When and how did you first learn of Operation Fast and Furious or the strategy of “*allow[ing] the transfer of firearms to continue to take place in order to further the investigation*”?

Response:

43. Deputy Attorney General's Office

Questions:

When and how did any official in the Deputy Attorney General's office first become aware of Operation Fast and Furious or the strategy of “*allow[ing] the transfer of firearms to continue to take place in order to further the investigation*”? Please provide a detailed answer for each official in that office.

Response:

Admin. Assistant