
From: Cunningham, Patrick (USAAZ)
To: Cunningham, Patrick (USAAZ)
Sent: 7/11/2011 9:26:57 PM
Subject: Draft USAO QFR Answers
Attachments: AG QFRs 5-4-11 SJC hearing Grassley F&F (23JUN11).doc

38. 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:

While we cannot be certain because the record does not show a precise date, Mr. Burke probably became aware of the case called Fast and Furious in the first quarter of calendar year 2010. There was no strategy at the United States Attorney's Office of “*allow[ing] the transfer of firearms to continue to take place in order to further then investigation.*” The strategy at the United States Attorney's Office was to gather sufficient evidence to interdict the firearms and conduct a successful prosecution of the offenders committing federal firearms violations.

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:

39. 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:

40. 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 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:

From: Burke, Dennis (USAAZ)
Sent: Friday, July 08, 2011 4:29 PM
To: Cunningham, Patrick (USAAZ); Scheel, Ann (USAAZ)
Subject: FW: AG's SJC QFRs from Sen. Grassley on Fast and Furious

From: Pings, Anne (USAEO)
Sent: Tuesday, July 05, 2011 8:00 AM
To: Burke, Dennis (USAAZ)
Subject: Fw: AG's SJC QFRs from Sen. Grassley on Fast and Furious

Fyi - everyone else's responses -

From: Levine, Doug (SMO) (JMD)
Sent: Tuesday, July 05, 2011 10:40 AM
To: Pings, Anne (USAEO)
Subject: FW: AG's SJC QFRs from Sen. Grassley on Fast and Furious

Fast and Furious responses collected plus transcript from Ron's hearing.

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