

Congress of the United States
Washington, DC 20515

July 11, 2011

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Director Mueller:

For the past six months, we have been conducting an investigation into Operation Fast and Furious, conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). This program allowed approximately 2,000 heavy-duty assault type firearms to be illegally trafficked, and hundreds of these weapons have already been recovered at crime scenes in Mexico. Operation Fast and Furious was an Organized Crime Drug Enforcement Task Force (OCDETF) prosecutor-led strike force case where ATF worked in coordination with other agencies. The Federal Bureau of Investigation (FBI) was one of these agencies. To help us better understand the role of the FBI in this multi-agency OCDETF case, we request that you produce communications relating to Operation Fast and Furious by FBI personnel based in Phoenix, Arizona, Tucson, Arizona, and El Paso, Texas, including the below-listed officials:

- 1) Nathan Gray, Former Special Agent in Charge, Phoenix Field Division
- 2) Annette Bartlett, Assistant Special Agent in Charge, Phoenix Field Division
- 3) Stephen Cocco, Acting Special Agent in Charge, Phoenix Field Division
- 4) Steven Hooper, Assistant Special Agent in Charge, Phoenix Field Division
- 5) John Iannarelli, Assistant Special Agent in Charge, Phoenix Field Division
- 6) John Strong, Assistant Special Agent in Charge, Phoenix Field Division
- 7) David Cuthbertson, Special Agent in Charge, El Paso Field Division
- 8) The Case Agent from the Tucson office in charge of the Brian Terry murder investigation

Such communications should include e-mails, documents, memoranda, briefing papers, and handwritten notes. You should also produce communications these individuals had with any ATF employee between October 1, 2009, and June 30, 2011.

Paid FBI Informants

In recent weeks, we have learned of the possible involvement of paid FBI informants in Operation Fast and Furious. Specifically, at least one individual who is allegedly an FBI informant might have been in communication with, and was perhaps even conspiring with, at least one suspect whom ATF was monitoring. We are interested in determining the veracity of these claims. To that end, please provide a response to the following questions:

- 1) How many paid FBI informants, prospective informants assigned an informant number, or cooperating defendants (“informants”) were in communication with any of the ATF suspects or their associates under Operation Fast and Furious? What was the nature of, and how frequent were, these contacts?
- 2) Were any of these informants previously deported by the Drug Enforcement Administration or any other law enforcement agency? If so, when did these deportations take place?
- 3) What is the process for repatriation for FBI informants? What other agencies are notified? Did that process occur here?
- 4) Were FBI personnel in Arizona aware of the involvement of these informants during Operation Fast and Furious?
- 5) Did other law enforcement agencies learn of the involvement of FBI informants related to Operation Fast and Furious? If so, please explain in detail when and how?

Additionally, please provide the following:

- 6) Any FBI 302s relating to targets, suspects, defendants or their associates in the Fast and Furious investigation, including the 302s provided to ATF Special Agent Hope MacAllister during the calendar year 2011.
- 7) Any other investigative reports prepared by the Bureau relating targets, suspects or defendants in the Fast and Furious case.

Jaime Zapata

Additionally, we understand that the FBI is the lead investigative agency into the death of Immigrations and Customs Enforcement (ICE) Special Agent Jaime Zapata, who was murdered in Mexico on February 15, 2011. The family of Jaime Zapata is still seeking answers about the circumstances involving his death. On June 14, 2011, attorneys for the Zapata family wrote a letter to José Angel Moreno, U.S. Attorney for the Southern District of Texas, Cory Nelson, the FBI Special Agent in Charge for San Antonio, and several ICE officials in Texas requesting information about the specific circumstances of Jaime Zapata’s death.¹ Given the FBI’s lead role in this investigation, we respectfully ask the following questions related to the Zapata murder:

¹ Letter from Benigno Martinez & Raymond Thomas to José Angel Moreno et al. (Jun. 14, 2011).

- 1) Was Jaime Zapata armed? If not, why not?
- 2) Was Jaime Zapata traveling in a bulletproof vehicle? If so, how was he killed inside of the vehicle?
- 3) Please describe, in detail, the actual circumstances leading up to, and including, the shooting of Jaime Zapata.
- 4) What investigative steps have been taken by the Bureau since the shooting?

Additionally, please provide the following:

- 5) Any FBI 302s relating to this investigation.
- 6) Any other investigative reports prepared by the Bureau regarding the Zapata murder.
- 7) Any photographs of the crime scene taken by FBI personnel.

Please provide the requested documents and information as soon as possible, but no later than noon on July 25, 2011. If possible, the preference is to receive all documents in electronic format.

If you have any questions regarding these requests, please contact Brian Downey in Ranking Member Grassley's office at (202) 224-5225 or Henry Kerner in Chairman Issa's office at (202) 225-5074. We look forward to receiving your response.

Sincerely,



Darrell Issa
Chairman
Committee on Oversight and Government Reform
United States House of Representatives



Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate

cc: The Honorable Elijah E. Cummings, Ranking Minority Member
Committee on Oversight and Government Reform
United States House of Representatives

The Honorable Patrick Leahy, Chairman
Committee on the Judiciary
United States Senate