



U.S. Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20535

August 12, 2011

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman and Senator Grassley:

Thank you for your letter to Director Mueller, dated July 11, 2011, requesting documents and other information concerning certain FBI activities and their relationship to the Operation Fast and Furious investigation led by the Bureau of Alcohol Tobacco Firearms and Explosives ("ATF"). The FBI has started the process of identifying and reviewing documents responsive to Committee's requests and that process is ongoing; a summary of our preliminary findings are below. As we have discussed with staff, we appreciate the Committee's willingness to work with us to provide information in an appropriate way to protect the integrity of ongoing investigations and to protect sources and methods.

Operation Fast and Furious was an Organized Crime Drug Enforcement Task Force ("OCDETF) investigation led by the ATF. The FBI did not have agents assigned to the Fast and Furious investigation, and at this time, the FBI is not aware of our agents having an operational role in the Fast and Furious investigation. In addition, at this time, the FBI is not aware of our agents authorizing or approving any gun purchases or sales related to Operation Fast and Furious.

The FBI does participate along with other federal law enforcement agencies in the Phoenix OCDETF Local Committee. As a result, the investigative proposal for Operation Fast and Furious was reviewed by the Phoenix OCDETF Local Committee, which has representation from several federal law enforcement agencies including the FBI. OCDETF investigative proposals are subject to approval by this committee, which serves to deconflict potential targets and provide resources for the investigations. We understand that the initial OCDETF proposal for the Fast and Furious investigation, along with later proposals to extend the investigation, have been made available for your review. The initial OCDETF proposal and its extensions make clear that the FBI was not a participating agency in Operation Fast and Furious.

Honorable Darrell Issa and Honorable Charles E. Grassley

Your letter asks questions about whether FBI sources were involved in Operation Fast and Furious, as well as seeking documents related to informant activities. As an initial matter, the discussion of FBI sources and their activities is a particularly sensitive matter, as the safety of those cooperating with U.S. law enforcement is essential to the success of our investigations and to the security of individuals and their families who provide information to federal authorities. As a result, the FBI is severely limited in what it can discuss publicly about sources and their use in particular investigations. At this time, however, the FBI is not aware of any circumstances where the FBI paid, directed, or authorized a source to participate in gun trafficking activities with the targets or subjects of the Fast and Furious investigation as identified in the OCDETF proposal or its extensions. The FBI is continuing to review whether sources had contact with subjects or targets of the Fast and Furious investigations prior to becoming sources, and we will provide an update to the Committee after our review is complete. We are aware of circumstances where the FBI provided information and assistance, including deconflicting targets, sharing intelligence, and giving access to case files and sources, to assist the ATF and other law enforcement agencies related to investigations in the Phoenix OCDETF strike force. We would welcome the opportunity to brief the Committee on this assistance and information sharing in a secure setting, given the need to protect sources and methods and the ongoing nature of investigations. We believe that this briefing will clarify how the FBI deconflicts targets and shares source information with other law enforcement agencies, as well as answer the specific questions in your letter.

Your letter also asks for specific information related to the crime scene and events leading to the murder of ICE Agent Jaime Zapata in Mexico on February 15, 2011. As you know, crime scene evidence and the circumstances of a crime are generally not made public in an ongoing investigation. Furthermore, the investigative reports of an ongoing investigation are kept confidential during the investigation to preserve the integrity of the investigation and to ensure its successful conclusion. We regret that we cannot provide more details about the investigation at this time, but we need to ensure all appropriate steps are taken to protect the integrity of the investigation.

We look forward to working with you and your staff to answer your questions related to your investigation.

Sincerely,



Stephen D. Kelly
Assistant Director
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1 - Honorable Elijah E. Cummings
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1 - Honorable Patrick J. Leahy
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