



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D. C. 20530

February 3, 2011

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

Dear Senator Grassley:

This responds to your letters, dated January 27, 2011 and January 31, 2011, to Acting Director Kenneth Melson of the Department's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), regarding Project Gunrunner. We appreciate your strong support for the Department's law enforcement mission.

At the outset, we want to assure you that the allegation, described in your January 27 letter, that ATF "sanctioned" the sales of the assault weapons that may have been used in the killing of Customs and Border Protection Agent Brian Terry, is false. Also contrary to the suggestion in your letter, the defendants named in the indictments described in recent press reports include individuals alleged to be members, if not leaders, of a sophisticated gun trafficking organization. One of the goals of the investigation that led to those indictments is to dismantle the entire trafficking organization, not merely to arrest straw purchasers.

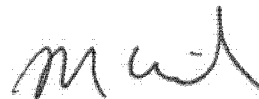
More generally, ATF has not "sanctioned" the sale of assault weapons to suspected straw purchasers, who then transported the weapons throughout the southwest border area and into Mexico. ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico. Indeed, an important goal of Project Gunrunner is to stop the flow of weapons from the United States to drug cartels in Mexico. Since its inception in 2006, Project Gunrunner investigations have seized in excess of 10,000 firearms and 1.1 million rounds of ammunition destined for Mexico. Hundreds of individuals have been convicted of criminal offenses arising from these investigations and many others are on-going. ATF remains committed to investigating and dismantling firearms trafficking organizations, and will continue to vigorously pursue those cases using all available investigative resources. At the same time, the Department of Justice is continuing actively to investigate the murder of Agent Terry and to pursue justice in that case.

Contrary to the suggestion in your January 31 letter, ATF has made no attempt to retaliate against any of its agents regarding this matter. The Department has a legitimate interest in protecting confidential information about pending investigations. We also want to protect investigations and the law enforcement personnel who conduct them from inappropriate political influence. For this reason, we respectfully request that Committee staff not contact current and former law enforcement personnel who have knowledge of Project Gunrunner investigations or the investigation into the death of Agent Terry. Consistent with federal law, we also recognize the importance of protecting employees from retaliation relating to their disclosures of waste, fraud, and abuse. We encourage individuals with knowledge of waste, fraud or abuse to communicate directly with the Department's Office of Inspector General and we hope that you will follow the same course.

The Department would be pleased to provide a briefing to Committee staff about Project Gunrunner and ATF's efforts to work with its law enforcement partners to build cases that will disrupt and dismantle criminal organizations. That briefing would not address the on-going criminal investigation referenced in your letter. As you know, the Department has a long-standing policy against the disclosure of non-public information about pending criminal investigations, which protects the independence and effectiveness of our law enforcement efforts as well as the privacy and due process interests of individuals who may or may not ever be charged with criminal offenses.

We hope that this information is helpful and look forward to briefing Committee staff about Project Gunrunner. Please do not hesitate to contact this office if we may provide additional assistance about this or any other matter.

Sincerely,



Ronald Weich
Assistant Attorney General

cc: The Honorable Patrick J. Leahy
Chairman