

Axelrod, Matthew (ODAG)

From: Cunningham, Patrick (USAAZ)
Sent: Wednesday, March 23, 2011 6:53 PM
To: Axelrod, Matthew (ODAG)
Cc: Burke, Dennis (USAAZ)
Subject: FW: Succinct Talking Points on Guns and Fast and Furious

Matt: these are the talking points we sent to Tracy earlier in the month and the Overall message she sent us back. You have seen some of these concepts in our comments on the current letter. We addressed below the issues of "encouraging or authorizing" unlawful sales, "walking guns", ATF not authorizing sales or a "No Sell list" concept apparently advanced by some, and of course the Terry murder scene and two guns found there.

Thanks for your hard work on this matter and for your support. PJC

From: Cunningham, Patrick (USAAZ)
Sent: Wednesday, March 09, 2011 5:03 PM
To: Schmalzer, Tracy (SMO); Smith, Jessica A. (SMO)
Cc: Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ); Sherwood, Robert (USAAZ) <Contractor>
Subject: RE: Succinct Talking Points on Guns and Fast and Furious

Tracy and Jessica: Got it. Very helpful points. Thanks and Robbie will contact you if we get any inquiries, or I should say when we get additional inquiries. Thanks again. PJC

From: Schmalzer, Tracy (SMO)
Sent: Wednesday, March 09, 2011 3:16 PM
To: Cunningham, Patrick (USAAZ); Smith, Jessica A. (SMO)
Cc: Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ); Sherwood, Robert (USAAZ) <Contractor>
Subject: RE: Succinct Talking Points on Guns and Fast and Furious

To be consistent we should use the same language AG used in presser and what gave State and ATF. Here are general points. happy to discuss if there are specific q's. Robbie – if you get any inquiries, pls coordinate w. me.

Overall Message:

Fighting criminal activity along the Southwest Border – including the illegal trafficking of guns to Mexico – has been a priority of this Administration and this Department of Justice.

The mission of ATF and other law enforcement agencies is to stop the flow of illegal weapons and drugs across the Border – and it will continue to be.

I'm not going to comment on the specifics of any operation, but I'm aware of the questions that have been raised by ATF agents. We take those seriously, and that's why the Attorney General has asked the Acting Inspector General to get to the bottom of it.

On allowing guns to walk -

Keep in mind, it is legal to purchase guns in this country. At any time, a law-abiding citizen can walk into a federal firearms licensee, or licensed gun dealer, and purchase one or more firearms without any special requirement from the federal government. That makes gun investigations by their very nature different from investigations into drugs.

D. Regarding the question "In regards to the guns recovered in Rio Rico after the Terry shooting, when they were purchased from [LES] (Jan, 2010) was there surveillance going on in conjunction with Operation Fast and Furious, or did ATF only become aware after the fact and link it to [LES] after the fact?"

Answer: There was no surveillance going on and the ATF was not notified of the sale until three days after it took place and the weapons were gone.

Further, at this point despite testing, neither gun is tied to the Officer Terry Shooting. It is an investigative goal to identify the weapon used in the murder of Agent Terry.

E. Regarding the LA Times and CBS News stories, they do not account for the fact, or rebut in any way, that this District is actively prosecuting unlawful weapons and ammunition traffickers.

In just two recent investigations in Phoenix, 51 defendants in 10 indictments have been charged.

In the Tucson Office alone there are currently five (5) pending indictments charging 23 defendants with attempting to export thousands of rounds of ammunition to Mexico and with weapons offenses.

Each week the USAO announces new indictments charging unlawful trafficking in guns and ammunition.