

Chait, Mark R.

From: Newell, William D.
Sent: Wednesday, February 16, 2011 12:45 PM
To: Chait, Mark R.
Cc: McMahon, William G.
Subject: Re: Sen Grassley allegations about ATF

Just to be clear, Jason is involved in the ICE shooting response and after the conf call this morning he advised me of another letter and these questions. I told him we had already responded to these (internally) and that our response fit into his knowledge of the facts.

DP

DP

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----- Original Message -----

From: Weinstein, Jason <Jason.Weinstein@usdoj.gov>
To: Burke, Dennis (USAAZ) <DBurke1@usa.doj.gov>; Newell, William D.; Chait, Mark R.
Sent: Wed Feb 16 12:21:19 2011
Subject: RE: Sen Grassley allegations about ATF

Bill N. has blessed this -- Dennis, based on prior emails I'm pretty sure you would concur but just wanted to double-check before sending to Gary.

-----Original Message-----

From: Weinstein, Jason
Sent: Wednesday, February 16, 2011 11:18 AM
To: Burke, Dennis (USAAZ); Newell, William D. (ATF); Chait, Mark R.
Subject: FW: Sen Grassley allegations about ATF

Let me know if this response is OK:

ATF

ATF

-----Original Message-----

From: Grindler, Gary (OAG) [<mailto:Gary.Grindler@usdoj.gov>]
Sent: Wednesday, February 16, 2011 10:35 AM
To: Breuer, Lanny A.; Weinstein, Jason; Raman, Mythili
Subject: FW: Sen Grassley allegations about ATF

Questions from the AG:

So ATF did NOT persuade a reluctant dealer to participate- bottom line?

Do we have info on whether a gun sold in the operation was used in the shooting?

----- Original Message -----

From: Breuer, Lanny A. (CRM)
Sent: Sunday, February 13, 2011 03:19 PM
To: Grindler, Gary (OAG)
Subject: Sen Grassley allegations about ATF

Gary,

To follow up on our conversation of Friday morning, prior to the Senate staff briefing on Thursday, Jason checked with the USAO in AZ and with ATF (both HQ and AZ) and was advised that the specific allegation in Sen. Grassley's most recent letter -- that ATF encouraged a reluctant FFL to continue to make sales to suspected traffickers - is false.

From talking to Jason, my understanding is that OLA made the judgment not to address any of the specific allegations in Sen. Grassley's letters during the briefing. Instead, Jason and the ATF reps. provided a tutorial of sorts on how cases against sophisticated gun trafficking organizations like the one in AZ are built. They walked the staffers through the kind of tactical and investigative judgments involved at each stage of the investigation, drawing an analogy between gun trafficking cases and drug conspiracy cases. The goal - and by all accounts it seems to have worked - was to communicate that the ATF's work in the AZ case and others like it reflected sound judgment and investigative work.

During the Q&A at the briefing, Sen. Grassley's staffers asked a number of specific questions about the AZ investigation, which our folks declined to answer, with one exception. A staffer asked whether as part of the AZ case, ATF ever encouraged a reluctant FFL to continue unlawful sales. Jason and the ATF reps. responded that based on their knowledge of the case, they were unaware of that ever having happened in this investigation.

Up to this point, our inquiries about the Grassley allegations have been at the U.S. Attorney/SAC level. If the AG would like us to look into those allegations further, I could have Jason talk specifically to the AUSAs and case agents and report back. Just let us know how you'd like us to proceed.

Best, Lanny