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To: Thiemann, Robyn (OLP); Weich, Ron (SMO); Agrast, Mark D. (SMO); Gross, Charles R. (SMO); Moran, Molly (OAG); Johnston, Deborah A. (ODAG); Smith, Brad (ODAG); Scott-Finan, Nancy (SMO); Wilkinson, Monty (OAG)
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Sent: 2/1/2011 3:42:58 AM
Subject: Fyi: Obama Pushed To Address Gun Control

Obama Pushed To Address Gun Control
by Liz Halloran
NPR - January 31, 2011

President Obama has been under increasing pressure to say something — anything — about whether he intends to push for stricter gun control measures in the wake of the Jan. 8 massacre in Tucson.

On Monday, gun control advocates intensified their push for a presidential weigh-in, after New York City Mayor Michael Bloomberg announced that his investigators bought semi-automatic weapons at an Arizona gun show without undergoing criminal background checks.

When asked about Bloomberg's report, White House press secretary Robert Gibbs said Monday afternoon that he hadn't seen it. He added: "We believe that there are reasons that federal laws are on the books, and the need to strongly adhere to and follow existing law is important not just in the purchase of weapons but throughout our civil life."

Bloomberg's announcement on his city's "sting" operation — including videos posted online — comes three weeks after

Arizona Rep. Gabrielle Giffords was critically injured and six people killed in the Tucson shooting. And six days after Obama decided not to address gun control in his annual

State of the Union speech, even while paying tribute to Giffords and the other casualties.

The guns and ammunition that investigators say they purchased included a Glock 9 mm semi-automatic pistol, similar to the weapon that authorities say the Tucson gunman used, and a 33-round magazine, also allegedly used by the gunman.

"There are a number of things that the

White House can do — and one of them is to just admit there's a problem," says

Paul Helmke, president of the

Brady Center to Prevent Gun Violence. "They have barely even mentioned that gun violence occurred."

After the president's nationally televised address last week,

White House advisers insisted that the administration intends to "engage" in debate on the issue, but declined to give a timetable.

Advocates in the gun control community say that they have had conversations with White House officials but have seen no working documents, and they acknowledge that an administration that has never made much of the gun issue is struggling with its volatile politics.

"They haven't indicated what the timing is on this, the venue or what he's going to do," Helmke says. "We're just going to

continue to pressure the White House."

The Bloomberg Sting

Bloomberg's latest undercover operation sent investigators to the Crossroads of the West Gun Show in Phoenix two weeks after the Tucson shooting.

The aim? To expose what Bloomberg and other gun control advocates refer to as the "gun show loophole" — the ability of private dealers to sell guns without running criminal checks on purchases, as licensed sellers are required to do.

Alleged Tucson shooter Jared Loughner legally purchased a gun at a gun store, and ammunition at a Walmart. The type of high-capacity magazine he allegedly used had been illegal under the Clinton-era

assault weapons ban that Congress allowed to expire in 2004, after a decade on the books.

Bloomberg's foray into Arizona was his third high-profile action against illegal sales of firearms at gun shows and has led the

National Rifle Association to accuse him of "grandstanding." His first, in 2006, targeted states, including Virginia, where weapons used in multiple crimes in New York City had been purchased.

In October 2009, he sent undercover investigators to

gun shows in Ohio, Tennessee and Nevada. At that time, the mayor claimed that 74 percent of the 47 gun sellers they tested appeared to violate federal law.

After the 2006 report, Bloomberg sued 27 stores that allegedly allowed stand-ins to illegally purchase guns for other users. Some states have since outlawed such stings, and the

U.S. Justice Department has warned that they may not be legal.

The mayor, who has also largely bankrolled the national Mayors Against Illegal Guns organization, is not threatening to sue anyone this time around. Instead, he has proposed that background checks be required for all gun sales, and that the national Bureau of Alcohol, Tobacco, Firearms and Explosives be provided "adequate resources and a stronger mandate from Washington."

Cuts To ATF?

The call by gun control advocates for more robust ATF funding may fall on deaf ears in Washington.

A report in Monday's Washington Post said that the administration has, in a budget draft, proposed cutting ATF's funding in the coming year. The proposal includes eliminating an Obama initiative to battle gun trafficking between the United States and Mexico.

That suits gun rights advocate

Larry Pratt just fine.

"The ATF should be underfunded a lot more," says Pratt, executive director of the

Gun Owners of America. "It's been on a tear against the firearms community."

Pratt argues that criminal background checks have "done nothing" to lower crime. And, echoing an NRA characterization of Bloomberg as "Mayor Blame," he said that the mayor "needs to get his own house in order."

National crime statistics over the past decade have consistently placed New York City on the list of the Top 10 safest cities in

the nation.

Josh Horwitz of the Coalition to Stop Gun Violence says that reports that the ATF would lose funding are "very disappointing."

"The ATF needs to be given a priority, since our guns are destabilizing Mexico and we have to deal with that problem," he said. "Because of the politicized nature of this debate, the ATF is operating with one hand tied behind their back."

An ATF agent twice nominated by Obama to head the agency, which has not had a permanent head for five years, has drawn opposition from the

NRA and faces a tough road in the Senate. And funding for other gun-related ATF initiatives has been slow to come.

House Democrats are pushing for gun safety hearings in the wake of the Tucson shooting, but that effort — and any involving gun control issues, including a move to limit high-capacity magazines — is unlikely to gain traction in Congress. Bloomberg appeared to acknowledge that reality.

"Congress should act now, but gun show operators shouldn't wait," Bloomberg said. "They can do the right thing today by making sure that every gun sale at their shows is subject to a background check."

Horwitz put the onus on Obama.

"The administration's record so far has been woefully inadequate," he said, noting that nearly a dozen law enforcement officers were shot last week in five states, prompting a police union spokesman to suggest to Fox News that "there's a war on cops going on."

"This is an issue that demands attention," he said.

But with events continuing to unfold in Egypt, and a White House domestic focus on jobs, nobody on either side of the gun issue is predicting anything soon, or big, from Obama.

Especially, says Pratt, as the president continues to gear up for a re-election run. [Copyright 2011 National P

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Subject: fyi: ATF fears budget cuts would imperil gun-trafficking fight at Mexico border; New York City Probes Arizona Gun Show

Post article touches upon a lot of ATF issues—multiple sales of long guns proposal, recent IG report on Gunrunner and explosives jurisdiction.

ATF fears budget cuts would imperil gun-trafficking fight at Mexico border

By James V. Grimaldi and Sari Horwitz

Washington Post Staff Writers

Monday, January 31, 2011: 12:08 AM

About three weeks before the deadly shootings in Tucson renewed a national debate about gun control, the White House budget office proposed steep cuts for the agency charged with enforcing federal gun laws.

When officials at the Bureau of Alcohol, Tobacco, Firearms and Explosives saw the proposal, they concluded it would effectively eliminate a major initiative in the fight against firearms trafficking on the Mexican border, according to people familiar with the budget process but not authorized to speak on the record.

Project Gunrunner is a signature effort by the Obama administration to assist Mexico in stemming the flow of guns south of the border. Under the project, federal officials in Arizona last week arrested more than a dozen people named in a 53-count indictment alleging that a network of gun buyers and smugglers had planned to ship hundreds of weapons to Mexican drug cartels.

Dubbed "Fast and Furious," the investigation found traffickers purchasing 10, 20, 30 or 40 AK-47-style rifles at a time from gun shops in the Phoenix area. On one day in April, a couple now charged in the case paid \$18,000 and walked out of a retail store with three .50-caliber, armor-piercing Barrett sniper rifles.

The proposed ATF cutbacks, which would amount to nearly \$160 million out of a \$1.25 billion budget request - a 12.8 percent reduction that would also be 3.6 percent below the current budget - are outlined in a preliminary budget document obtained by The Washington Post. ATF spokesman Scot Thomasson declined to comment, because the budget process was not complete.

Administration officials said it is unclear how deep the cuts ultimately will be, since the proposal was an early draft and is likely to change. But to some current and former ATF officials, the fact that budget officials contemplated the reductions is an indication of how low the agency ranks in the Obama administration's pecking order.

"ATF is the ugly stepchild of every administration," said James Cavanaugh, a former senior ATF official who retired last year after three decades. "It would really handicap the ATF. It's a small agency and it's a lean machine. There are not a lot of agents and inspectors. There is not a lot of fat. With ATF, it would be an amputation."

All federal agencies are facing a difficult budget year, with House Republicans calling for cuts of 30 percent or more. But law enforcement is generally more protected than most agencies. For example, the FBI is facing a 0.46 percent cut against its current budget.

Officials with the Office of Management and Budget did not return repeated calls last week.

Obama quiet on guns

Some agency officials held out hope that Obama, whose campaign promised tougher gun laws, would support their mission and budget, and strengthen their legal tools.

In addition to the contemplated budget reductions, the president has yet to make substantive comments about firearms policy - even after the Jan. 8 tragedy in Tucson that left six dead and 13 wounded.

In his State of the Union speech last week, Obama referred to Rep. Gabrielle Giffords (D-Ariz.), who was shot in the head and seriously wounded, and 9-year-old Christina Taylor Green, who was killed. But the president disappointed gun-control organizations by avoiding the topic of gun regulation. After the speech, White House spokesmen said Obama would address gun policy at a later date.

Lawmakers who favor tighter firearms laws have proposed new restrictions, particularly on high-capacity gun magazines such as the one used in the Tucson shootings. But there is little indication the Obama administration is eager to embrace the proposals, which are fiercely opposed by the gun lobby.

The National Rifle Association and the National Shooting Sports Foundation both said the actions of a "madman" should not cause restrictions that would affect law-abiding gun owners.

"Once again, you and your freedoms are being blamed for the acts of a deranged madman, who sent signal after signal that he was dangerous," NRA Executive Vice President Wayne LaPierre said in an e-mail to members last week.

LaPierre's comment suggested problems with the backgroundcheck system, which is supposed to prevent felons and the mentally ill from purchasing firearms. The NRA in recent years has supported increased appropriations to ensure that the checks are "instant."

There might be some common ground for changes to the background check system. Even a pro-gun lawmaker is calling for an audit of the federal background check system for gun buyers. Rep. John D. Dingell (D-Mich.), a former NRA board member with an A rating from the group, joined Rep. Carolyn McCarthy (D-N.Y.), a gun-control advocate, in asking the Government Accountability Office to look at the system. Republican House Judiciary Committee staffers also plan to question FBI officials who oversee the system.

In addition to those proposals, ATF officials before Tucson asked the White House to approve an emergency rule to crack down on gunrunning to Mexico by requiring gun dealers to report bulk sales of semiautomatic rifles. The proposal was announced in December, and ATF had asked the Office of Management and Budget to approve the rule by Jan. 4. A Justice Department spokesman said he expects the White House to approve the rule this week.

If implemented, the rule would require gun dealers in four states - Arizona, California, New Mexico and Texas - to

report to ATF sales of two or more "assault rifles" to the same buyer in a five-day period. The affected weapons would be semiautomatic rifles of .22 caliber and above with detachable magazines. Semiautomatic rifles such as AK-47s and AR-15s are favored weapons of Mexican drug cartels. Dealers nationwide already are required to report bulk handgun sales.

In addition to the uncertainty about its budget and enforcement regimen, ATF has been without a director since 2006, when Congress first required Senate confirmation for the position. Every nominee since has been held up in the Senate over problems raised by the gun lobby, which opposes Obama's nominee, Andy Traver, the bureau's special agent in charge in Chicago.

Former ATF director Bradley A. Buckles said the lack of a permanent director hurts ATF at budget time.

"Undertaking the budget without a director is like fighting with one hand tied behind your back," he said.

The budget document says the proposed cuts to ATF are meant to eliminate duplication in explosives investigations, which the Justice Department last year divided between two agencies.

"FBI and ATF perform essentially the same functions regarding explosives, with the exception of licensee inspections," the document said.

ATF officials fear the proposed cuts would harm the Project Gunrunner border initiative because federal rules require the last hired to be laid off first, and most new hiring at the agency has been put toward the Southwest border effort. ATF has already moved funds from explosives work to the border initiative, sources said.

Those affected would include personnel in Mexico, where agents are helping Mexican officials trace guns seized by police in the bloody drug wars, the sources said. More than 65,000 guns have been traced back to sales in the United States.

Criticism of project

The Justice Department inspector general criticized Project Gunrunner for "significant weaknesses." It said that 68 percent of the project's investigations "are single-defendant cases, and some ATF managers discourage field personnel from conducting the types of complex conspiracy investigations that target higher-level members of trafficking rings."

ATF officials said that they are taking heed of the criticisms and that the budget cuts are looming at a time when their border efforts are making progress.

"Mexican drug lords go shopping for war weapons in Arizona," U.S. Attorney Dennis Burke said at a news conference in Phoenix last week to announce the bust of the alleged gunrunning ring.

According to the indictment, ATF officials determined that more than 600 of the 700 guns purchased by the network had come from a single U.S. gun store, [ATF] in Glendale, Ariz., a Phoenix suburb [ATF] was not charged with any wrongdoing.

Last year, The Post reported that [ATF] ranked first among U.S. stores with the most guns traced to Mexican crime scenes, with 185 firearms traced to Mexico over a two-year period.

In a strip mall next to a spa, [ATF] features mounted animal heads on walls and model airplanes hanging from the ceiling. A sign last fall behind the cash register advertised AK-47s for \$499. With about 1,515 crime guns traced, [ATF] ranked eighth overall on the list of U.S. guns stores with firearms traced from crimes. The rank is a jump from No. 61 on the 2004 list of gun stores that sold firearms traced to crimes.

Last year, 12 people were indicted on charges of making false statements in order to buy 17 AK-47-type rifles headed to Mexico. The guns were purchased from seven stores, including [ATF] Owner [ATF] could not be reached for comment. ATF officials said they have no indication that [ATF] has done anything wrong in any of the cases.

Bill Newell, special agent in charge of the ATF Phoenix office, said last week that the "Fast and Furious" investigation was "further proof of the relentless efforts by Mexican drug cartels, especially the Sinaloa Cartel, to illegally acquire large quantities of firearms in Arizona and elsewhere in the U.S."

New York City Probes Arizona Gun Show. The New York Times (1/31, Lacey, 1.01M) reports from Phoenix, "Weeks after a shooting left six dead and 13 injured in Tucson, New York City sent undercover investigators to an Arizona gun show and found instances in which private sellers sold semiautomatic pistols even after buyers said they probably could not pass background checks, city officials said." The probe, "part of an effort by Mayor Michael R. Bloomberg's administration to crack down on illegal gun sales nationwide, took place Jan. 23 at the Crossroads of the West Gun Show in Phoenix, officials said." The Times adds, "Private, unlicensed sellers are not required to run federal background checks, but it is a violation of federal law to sell guns to people if sellers suspect they are felons or mentally ill or are otherwise prohibited from buying."

The New York Daily News (1/31, Lisberg, 527K) reports, "The Tucson massacre that wounded Rep. Gabrielle Giffords and killed six others did not stop Arizona gun dealers from selling high-powered semiautomatics last week to buyers who said they couldn't pass background checks. The sales were captured on undercover video by private detectives working for Mayor Bloomberg's crusade against illegal guns. The detectives went to the Crossroads of the West gun show in Phoenix on Jan. 23 to expose the deadly loopholes in America's gun background check system." The Daily News adds, "The investigators bought Sig Sauer and Smith & Wesson 9-mm semiautomatics with high-capacity magazines, even after telling the gun dealers they 'probably couldn't pass' a background check. Detectives also bought the same kind of Glock 9-mm semiautomatic with a 33-round extended magazine that psycho killer Jared Lee Loughner used in his Jan. 8 rampage, without any background check."