

To: Melson, Kenneth E. (ATF)[Ken.Melson@usdoj.gov]; Smith, Brad (ODAG)[Brad.Smith3@usdoj.gov]
Cc: Hoover, William J. (ATF)[William.J.Hoover@usdoj.gov]
From: [ATF] (ATF)
Sent: Fri 2/11/2011 8:34:33 PM
Subject: FW: Grassley draft comments
Grassley 020911 SL draft comments 021011.docx

Sirs –

Forwarded to you per Mr. Hoover.

ATF

Chief, Firearms Operations Division

ATF HQ - Room 6.S.129

202.648.7212, Cell 202.391.6872

From: Hoover, William J.
Sent: Friday, February 11, 2011 2:59 PM
To: [ATF] Chait, Mark R.; McMahon, William G.
Subject: Re: Grassley draft comments

Great job [ATF] Would you please forward to the Director and Brad Smith?

Thank you!!

Billy

William J. Hoover
Deputy Director
Bureau of Alcohol, Tobacco, Firearms & Explosives
O) 202-648-8710

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From: ATF
To: Chait, Mark R.; McMahon, William G.; Hoover, William J.
Sent: Fri Feb 11 14:23:18 2011
Subject: FW: Grassley draft comments

Sirs-

Attached is a revised version of my comments yesterday to issues raised in the Grassley 2/9/11 letter. There are a few minor revisions throughout. Mr. Hoover, the top of page 3 includes two new paragraphs regarding the issue of our interactions with FFLs, as you requested last night. These paragraphs are copied below. These paragraphs were written based on information from SA Newell, ASAC Needles and RAC ATF yesterday and this morning. I sent this revised document to Newell for review/comment today, his reply is below. Questions? Thank you

Page 1, Para 3 and Page 2, Para 1: "According to the whistleblowers, at least one gun dealer wanted to stop participating in sales like those to ATF sometime around October 2009. However, the ATF allegedly encouraged the dealer to continue selling to suspected traffickers and asked the dealer to forward information about the sales to the Bureau."

See the two "releases" generated by the FFL LES, ATF (1/26/2011 and 2/1/2011) and USAO document (1/28/2011) of that event. These documents address the nature of such interactions with FFLs, specifically LES, ATF, as to how ATF communicates with FFLs regarding their regulatory requirements, authority and independence in conducting firearms transactions, including their decision to proceed with or decline sales involving suspected straw purchasers, traffickers and prohibited persons, and their voluntary cooperation with ATF regarding suspicious purchasers.

It was noted that the Grassley letter references October 2009, which predates the purchases by ATF. Although the FFL and USAO documents reflect that LES, ATF had been voluntarily providing ATF with information LES, it's possible that the whistleblowers' comments refer to another FFL. When asked, the Phoenix SAC, ASAC and RAC have all indicated that no scenarios as described in Grassley's letter involving LES, ATF or other FFLs are known. Again, conversations between FFLs and ATF occur frequently, including discussions initiated by FFLs who voluntarily report information about potential straw purchasing/trafficking activity to ATF. In some occasions, FFLs may ask ATF whether they should proceed with or decline future sales to such persons. In all cases known to us, as was indicated by ATF supervisors in Phoenix, ATF provides FFLs with guidance that appropriately outlines the role, responsibility and authority of FFLs as to the completion or declination of such transactions. We are unaware of any occasions in which ATF personnel have encouraged or coerced an FFL to complete apparently illegal firearms transactions or provide information or assistance to ATF not required by the GCA.

<<Grassley 020911 SL draft comments 021011.docx>>

ATF

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From: Newell, William D.
Sent: Friday, February 11, 2011 1:52 PM
To: **ATF**
Subject: RE: Grassley draft comments

Great job, no changes. Thanks!

Bill Newell

Special Agent in Charge

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Phoenix Field Division (Arizona and New Mexico)

Office - (602)776-5400

From: **ATF**
Sent: Friday, February 11, 2011 11:29 AM
To: Newell, William D.
Subject: Grassley draft comments

<< File: Draft Responses Grassley 020911.docx >>

Please review

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