

Axelrod, Matthew

From: Smith, Brad (ODAG) [Brad.Smith3@usdoj.gov]
Sent: Wednesday, March 09, 2011 3:37 PM
To: Goldberg, Stuart (ODAG); Axelrod, Matthew
Subject: FW: development re Gunrunner oversight (incoming Leahy letter) --

FYI

From: Weich, Ron (SMO)
Sent: Wednesday, March 09, 2011 3:36 PM
To: Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG); Smith, Brad (ODAG); Miller, Matthew A (SMO); Schmalzer, Tracy (SMO); Burton, Faith (SMO); Gaston, Molly (SMO); [REDACTED] ATF; Agrast, Mark D. (SMO)
Subject: RE: development re Gunrunner oversight (incoming Leahy letter) --

[REDACTED] ATF informs me that the NRA has written to the House Judiciary Committee as well. Safe to assume that Chairman Smith will approach this differently than Chairman Leahy. Here is the text of that letter:

March 9, 2011

Dear Chairman Smith and Ranking Member Conyers:

I am writing to ask you to conduct expedited hearings on firearms trafficking enforcement tactics used by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

As the nation's oldest and largest group dedicated to the civil rights of firearms owners, we have felt firsthand the effects of recent violence along the Mexican border. Among the victims of the bloodshed was NRA Life member Robert Krentz, murdered on his Arizona ranch by border-crossing criminals. We've also seen the violence exploited as an excuse for promoting many gun control proposals, most of which had been suggested earlier as "solutions" to other problems.

Law enforcement agencies have sufficient laws at their disposal to address this crisis. Among the relevant laws are those outlawing transfers to prohibited persons such as illegal aliens and nonimmigrant aliens, transfers for use in violent and drug trafficking crimes, and illegal exportation of firearms and ammunition. Current and proposed laws that simply affect honest Americans shouldn't be any part of that plan.

To be clear, the National Rifle Association strongly supports the efforts of federal, state and local law enforcement officials to disrupt criminal enterprises, and thousands of our members proudly serve in those agencies. However, the Department of Justice's Inspector General has criticized the BATFE for focusing on investigations of straw purchasers "rather than on higher-level traffickers, smugglers, and the ultimate recipients of the trafficked guns." And more recent national media reports have raised very serious allegations that even while the Inspector General's review was going on, BATFE leaders were undertaking a new approach to the issue—an approach that can only be called wrongheaded, foolish and reportedly deadly.

Their project—known as "Fast and Furious" and apparently conducted over the strong objections of rank and file agents—reportedly allowed over 2,000 firearms to be sold to individuals already linked to Mexican drug cartels. Many of those transactions were reported as suspicious by the licensed firearms dealers themselves, but BATFE reportedly encouraged them to proceed with these sales, which the dealers would otherwise have turned down. Hundreds of those guns have reportedly been traced to criminal activity so far, including two that were discovered at the scene of a shootout that claimed the life of a U.S. Border Patrol agent.

It's tragically ironic that while this plan was apparently unraveling, the BATFE was also seeking White House approval to demand reporting of certain multiple rifle sales. That reporting requirement would flood the agency with even more reports of legal transactions, while likely driving criminal traffickers further underground.

We are clearly at a critical point on this issue. Without aggressive enforcement of existing laws, the situation on the border will continue to deteriorate, claiming the lives of innocent citizens and law enforcement personnel alike. Yet reckless enforcement tactics may already have cost lives, while ineffective regulatory requirements would waste scarce resources and undermine Americans' Second Amendment rights.

Oversight of these serious problems should not be conducted by the very agencies that reportedly created them. Therefore, we respectfully urge you to use every power at your disposal to review the BATFE's investigative tactics and regulatory proposals with respect to southwest border issues.

The investigation should consider the effectiveness of past BATFE enforcement tactics, as well as the conduct of the "Fast and Furious" operation and the bureau's response to internal criticism of that initiative. Any investigation should also examine the responses by the BATFE and the Department of Justice to earlier congressional inquiries about the "Fast and Furious" program. (In particular, there seems to be good reason to question the Justice Department's statement on February 4 that the BATFE never sanctioned the sale of guns "to a straw purchaser who then transported them into Mexico.")

We greatly appreciate your attention to this issue. If you have any questions, please don't hesitate to contact me personally.

Sincerely,

Chris W. Cox

Executive Director

NRA Institute for Legislative Action

From: Weich, Ron (SMO)

Sent: Wednesday, March 09, 2011 3:24 PM

To: Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Monaco, Lisa (ODAG); Smith, Brad (ODAG); Miller, Matthew A (SMO); Schmalzer, Tracy (SMO); Burton, Faith (SMO); Gaston, Molly (SMO); ATF; Agrast, Mark D. (SMO)

Subject: development re Gunrunner oversight (incoming Leahy letter) --

In separate letters, Sen. Grassley and the NRA have written to Sen. Leahy demanding SJC hearings on the Gunrunner allegations. I am told that Sen. Leahy will reject the request in light of the OIG review, but at the same time he will write to the AG seeking the status of that review and asking whether Gunrunner is an ongoing law enforcement operation. Leahy intends this to be a friendly letter, but some may read it as Leahy "joining" the oversight activity.