

From: Warlow, Molly
To: Weinstein, Jason; Johnston, Deborah A. (ODAG) (SMO); Axelrod, Matthew (ODAG) (SMO)
CC: Raman, Mythili; Swartz, Bruce; Lurie, Adam
Sent: 3/21/2011 9:56:40 AM
Subject: RE: Fast and Furious

Let me explain. Serious damage is being done to our law enforcement relationship with Mexico, and frankly on a bilateral political level as well, because of what I suspect are ill-founded allegations in Mexican political and media circles about F and F. In particular the rhetoric, which is very much aimed at the Calderon administration, and then in turn results in overreaction on their part, seems, at least in part premised on the notion that F and F was an undercover or sting operation, in which ATF agents were complicit in either buying, selling or transporting weapons, including into Mexico, or that they somehow facilitate this conduct by others.

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Of course, I don't know the details of the case, or what the scope of the IG investigation may be (e.g., was the investigation too passive, or wait too long for arrests/seizures; did ATF fail to act when they had the opportunity to seize weapons as they were about to cross the border and not in an "controlled delivery" setting). However, I had not heard information to suggest that this was an undercover or sting, including UC activity in Mex, a notion that seems to have driven much of the criticism of the USG and ATF in Mexico.

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The Mex. Foreign Minister has been grilled by the Mx congress about this, and Amb. Sarukhan may be next, and he has for information that might help him deflect or respond to some of this criticism. If looking at this in conjunction w/ the Lamar Smith letter is helpful, that's fine, but the concern was w/ Mexico, and how we, if possible, can address it.

Molly

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

From: Weinstein, Jason
Sent: Monday, March 21, 2011 9:37 AM
To: Johnston, Deborah A. (ODAG) (SMO); Axelrod, Matthew (ODAG) (SMO)
Cc: Raman, Mythili; Swartz, Bruce; Lurie, Adam; Warlow, Molly
Subject: Fast and Furious

I understand that you all have asked Adam to come up with some language about the scope and techniques that were/were not used in F&F that can be included in a response to Lamar Smith and others, as well as in a preliminary response to Mexico.

As you know, I've already drafted a response to Smith that can also be used for other members; OLA has since revised that draft and should be circulating those revisions later today.

At the meeting on Thursday, there appeared to be some agreement that we should try to add some language to our congressional responses that captures, with appropriate disclaimers, the fact that to date ATF has discovered only a few (non-F&F) instances where agents intentionally let guns "walk."

I'm not sure if that's what gave rise to your request to Adam, or if you more generally wanted specific language about the F&F investigation, but either way, we've discussed this further within CRM and we think that the language that goes into the letter is more appropriately crafted by ATF, because ATF is the only entity that is in the position to know all those facts. Also, at this point, with Matt doing a deeper dive into F&F than I was in a position to

do, Matt is probably in the best position to be, as an initial matter, reviewing ATF's draft language. Although we are always more than happy to help in areas that are not strictly in "our lane," this particular inquiry is fact-intensive, was not prosecuted by CRM, and was investigated by ATF -- therefore, CRM is just not in a good place to be the ones describing the facts. We'd be happy to look at any proposed language by ATF once it's been drafted, just to ensure that OIA and others are kept in the loop wrt to communications to Mexican law enforcement, but I don't think we should be the initial drafters re facts that are not within our knowledge.

More generally, I would appreciate it if you ran any future SWB-related requests to Adam by me first, so we can make sure that our work on these issues is properly coordinated.

Thanks.

Jason

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