



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 18, 2011

The Honorable Patrick Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to the Attorney General, dated March 9, 2011, which asked about the Department of Justice's review of allegations about the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) program known as Project Gunrunner, which is a broad initiative to address weapons trafficking along the Southwest Border generally.

We believe that the allegations referenced in your letter pertain specifically to Operation Fast and Furious, which is an ongoing criminal investigation of an extensive gun-trafficking enterprise. Fast and Furious is being undertaken as part of the broader Project Gunrunner initiative, and the purpose of the investigation is to dismantle a transnational organization believed to be responsible for trafficking weapons into Mexico, in part by prosecuting its leadership. The investigation is led by a dedicated team of prosecutors from the United States Attorney's Office in Arizona and ATF agents. To date, these efforts have resulted in an indictment charging 20 defendants with federal firearms offenses and the investigation is continuing. As we have advised Senator Grassley in response to his requests to us, we are not in a position to provide additional information about the investigation at this time, consistent with the Department's longstanding policy of not disclosing non-public information on ongoing criminal investigations.

On February 10, 2011, Department and ATF representatives conducted a briefing for Committee staff about Project Gunrunner. We noted in the briefing that stopping the flow of weapons across the border into Mexico is a challenging task given the resources of the cartels and the cartels' use of sophisticated trafficking organizations to move firearms across the border. These trafficking organizations typically involve the use of straw purchasers, who purchase the weapons not for themselves, but with the purpose of transferring them to others who then facilitate their movement across the border to the cartels. Among the challenges in investigating a trafficking organization is developing sufficient evidence to prove that particular firearm purchases are, in fact, unlawful straw purchases. It is, of course, legal for a non-prohibited person to purchase an unlimited number of firearms from a licensed gun dealer and then to sell or barter those firearms to another person.


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At the request of the Attorney General, the Acting Inspector General is investigating allegations that have been raised about Operation Fast and Furious. The Attorney General has also made it clear to the law enforcement agencies and prosecutors working along the Southwest Border that the Department should never knowingly permit firearms to cross the border. We note that the National Rifle Association (NRA) letter enclosed with your letter suggested that the Committee conduct oversight, including hearings, regarding ATF's activities relating to the Southwest Border. Given the ongoing criminal investigations in Arizona and the Inspector General's ongoing review of allegations regarding those investigations, we do not believe that such oversight, or hearings, would be helpful at this time. We also note that the Cochise County Sheriff's Office is leading a separate investigation of the shooting death of Robert Krentz in Arizona, which also was mentioned in the NRA letter.

We hope that this information is helpful. Please do not hesitate to contact this office if we may be of assistance in this or any other matter.

Sincerely,



 Ronald Weich  
Assistant Attorney General

cc: The Honorable Charles Grassley  
Ranking Minority Member