

April 26, 2011 Draft

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter of April 13, 2011, referencing the allegations you have raised about the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) Project Gunrunner and Operation Fast and Furious, and requesting that the Senate Judiciary Committee receive access to the ATF documents reviewed by the House Committee on Oversight and Government Reform.

You have asked whether it remains our view that "ATF did not sanction or otherwise knowingly allow the sale of assault weapons to straw purchasers." That is an incomplete quote from my letter, dated February 4, 2011. My letter stated, "At the outset, the allegation described in your January 27 letter – that ATF 'sanctioned' or otherwise knowingly allowed the sale of assault weapons to a straw purchaser who then transported them into Mexico – is false." Thereafter, you provided to us documents, including internal ATF emails, in support of your allegations, which we have referred to the Acting Inspector General. The statement in my letter to you was true to the best of my knowledge at the time, and in the course of her investigation the Acting Inspector General will thoroughly review the documents that you have provided to us since then. While we await her findings, the Attorney General has made clear that the Department should never knowingly permit firearms to cross the border.

Your letter also asks whether the Department will provide the Senate Judiciary Committee with access to the documents made available to the House Committee on Oversight and Government Reform. While we appreciate your interest in this matter, the Executive Branch has long taken the position that it only a chairman can speak for a committee in conducting oversight and we work to accommodate legitimate oversight needs of congressional committees as articulated in letter requests from chairmen. The Department's responses to such requests are sent to both the chairman and the ranking member, and documents made available in response to a chairman's request may be reviewed by all members and staff on that committee. As we explained in our April 18, 2011 letter to Chairman Leahy, a copy of which was provided to you, given the ongoing criminal investigations in Arizona and the Inspector General's ongoing review, we do not believe that Committee oversight would be helpful at this time.

Sincerely,

Ronald Weich
Assistant Attorney General

cc: The Honorable Patrick Leahy
Chairman