



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Chief Counsel

Washington, DC 20226
www.atf.gov

Special Agent **ATF**
ATF Phoenix Field Division
201 East Washington Street
Phoenix, Arizona 85004

JUL 22 2011

Dear Special Agent **ATF**

We understand that the House Committee on Oversight and Government Reform has issued a subpoena for your testimony before the Committee at a hearing on July 26, 2011. The Committee's subpoena directs you to testify about information derived from your employment with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and we understand that you wish to provide testimony.

In testifying at a hearing before the House Committee on Oversight and Government Reform, you are encouraged to answer fully and candidly all questions concerning matters within your personal knowledge. Your appearance before the Committee does not, of course, relieve you of any obligations of secrecy concerning certain matters arising from your official duties as an ATF Special Agent. For example, you may not reveal any information covered by Rule 6(e) of the Federal Rules of Criminal Procedure relating to matters occurring before a grand jury; tax information; or **ATF** or classified information. An extended, but not exhaustive, list of such matters may be found in 28 C.F.R. § 16.26. We note that section 16.26 does not apply on its face to Congressional hearings and it is cited only by way of illustration.

In sum, you should not reveal any information prohibited from disclosure by statute, regulation, or court rule. In addition, longstanding Department policy precludes discussing any information regarding the details of any ongoing investigation, such as witnesses; targets or subjects; evidence; the identity of a confidential informant; or investigative techniques. In this instance, the Department has provided documents and other information about the genesis and strategy of Operation Fast and Furious, with particular reference to strategic decisions, if any, about the timing of arrests in connection with alleged sales of firearms to suspected straw purchasers, the legal basis to seize such firearms, and any efforts to track the firearms to individuals higher up the chain of command in firearms and drug trafficking enterprises. Consistent with the limitations above, you are authorized to testify about such matters within your personal knowledge.

Special Agent: **ATF**

If you have any questions regarding this matter, please contact me at (202) 648-**ATF**. Your cooperation in this matter is appreciated.

Sincerely Yours,

ATF

Associate Chief Counsel
(Field Operations and Information)