



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 19, 2011

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

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

Dear Mr. Chairman and Senator Grassley:

This responds to your letter, dated July 11, 2011, to the Attorney General regarding our efforts to respond to the Committee's requests relating to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) investigation known as Operation Fast and Furious. Your letter seeks information about a shared network drive that was developed to house documents that may be responsive to inquiries being carried out by both the Committee and the Department's Office of the Inspector General (OIG). We apologize for the delay in responding to your letter.

ATF established the shared network drive referenced in your letter on April 1, 2011, as a mechanism for organizing, reviewing, and processing records collected by ATF employees in response to the inquiries of both the Committee and OIG. It has been an important tool in the effort to preserve records and to provide documents in as timely a manner as possible. In addition and consistent with their management responsibilities, the shared network drive served as a mechanism for senior ATF officials to learn the factual basis of issues the Committee and OIG are exploring. Although the shared network drive contains some pertinent email files, it is separate from a database maintained by a contractor that contains the emails and their attachments of twenty current and former ATF employees in whom Committee staff has indicated a primary interest. This separate database was created to facilitate review of the large volume of email records.

Approximately twenty-four employees of the Department (including ATF) have had access to the entire contents of the shared network drive. This access included access to a folder created on June 13, 2011 for the purpose of housing records produced or made available to the Committee. On or about July 1, 2011, in response to concerns raised by Committee staff, ATF removed access to the shared network drive from five ATF officials who had been interviewed or who were scheduled to be interviewed by Committee staff. These ATF officials were Kenneth Melson, William Hoover, William McMahon, William Newell, and Mark Chait. ATF systems did not record which of these individuals, if any, may have accessed the folder containing materials produced or made available to the Committee. On or about July 1, 2011, ATF also removed access to the shared network drive from five other Department employees because their access was not necessary for the performance of their duties. After July 1, 2011, to assist them in preparation for interviews with Committee staff or testimony before the Committee, Messrs. Hoover, McMahon, Newell and Chait were given copies of their own emails that had been produced or made available to the Committee.

In addition, at one time or another during the Department's efforts to respond to the Committee's requests, more than fifty other employees and contractor staff have had access to portions of the shared network drive. These personnel include information technology systems administrators, paralegals, agents, and attorneys who have been assigned tasks relating to preserving, organizing, searching, and reviewing documents that may be responsive to the Committee's subpoena and related document requests. The scope of access given to these individuals was limited to that necessary to fulfill their roles in the review process. The documents produced or made available by the Department from the shared network drive were reviewed by one or more of these individuals during the review process, but most of the individuals never had access to the folder containing records that were produced or made available to the Committee.

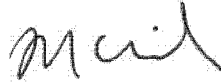
We note that Assistant Special Agent in Charge James Needles, whom Committee staff requested to interview but did not interview, participated in the document review process in this matter and had access to materials related to the inquiry that were not otherwise accessible to him in the normal course of his duties, as well as the folder on the shared network drive containing documents produced or made available to the Committee. Mr. Needles no longer has any access to the shared network drive. Similarly, Mr. Newell participated in the document review process, but not until after his interview with the Committee had taken place.

As of September 6, 2011, for reasons related to ongoing efforts to preserve and provide records related to the pending inquiries, six individuals continue to have access to the shared network drive. Responding to specific questions in your letter, ATF did not record the date particular records were placed onto the shared network drive. Also, other than through participation in the review of records contained in the shared network drive or the aforementioned separate email database, ATF is not able to ascertain what other records relating to the Committee's investigation may have been accessible to individual employees.

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We hope this information is helpful and look forward to working with the Committee as this matter continues.

Sincerely,



Ronald Weich
Assistant Attorney General

cc: The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate