

United States Senate

WASHINGTON, DC 20510

January 27, 2011

Via Electronic Transmission

Kenneth E. Melson
Acting Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives
99 New York Avenue, NE
Washington, DC 20226

Dear Acting Director Melson:

It is my understanding that the ATF is continually conducting operations along the southwestern United States border to thwart illegal firearm trafficking. I am specifically writing you concerning an ATF operation called "Project Gunrunner." There are serious concerns that the ATF may have become careless, if not negligent, in implementing the Gunrunner strategy.

Members of the Judiciary Committee have received numerous allegations that the ATF sanctioned the sale of hundreds of assault weapons to suspected straw purchasers, who then allegedly transported these weapons throughout the southwestern border area and into Mexico. According to the allegations, one of these individuals purchased three assault rifles with cash in Glendale, Arizona on January 16, 2010. Two of the weapons were then allegedly used in a firefight on December 14, 2010 against Customs and Border Protection (CBP) agents, killing CBP Agent Brian Terry. These extremely serious allegations were accompanied by detailed documentation which appears to lend credibility to the claims and partially corroborates them.

On Tuesday, according to press reports, the ATF arrested 17 suspects in a Project Gunrunner bust. William Newell, the Special Agent in Charge of the ATF's Phoenix Field Office was quoted as saying, "We strongly believe we took down the entire organization from top to bottom that operated out of the Phoenix area." However, if the 17 individuals were merely straw purchasers of whom the ATF had been previously aware before Agent Terry's death, then that raises a host of serious questions that the ATF needs to address immediately.

As you know, the Department of Justice Office of Inspector General (OIG) released a review of ATF's Project Gunrunner in November of 2010, in which the OIG concluded that Project Gunrunner has been unsuccessful, in large part because:

Project Gunrunner's investigative focus has largely remained on gun dealer inspections and straw purchaser investigations, rather than targeting higher-level traffickers and smugglers. As a result, ATF has not made full use of the

intelligence, technological, and prosecutorial resources that can help ATF's investigations reach into the higher levels of trafficking rings.¹

Therefore, in order to gain a more complete understanding of ATF activities in Project Gunrunner, I request that you arrange for my staff to be briefed by knowledgeable ATF supervisors no later than February 3, 2011. Please contact Jason Foster or Brian Downey at (202) 224-5225 to schedule the briefing. All formal correspondence should be sent electronically in PDF format to Brian_Downey@judiciary-rep.senate.gov or via facsimile to (202) 224-3799.

Sincerely,



Charles E. Grassley
Ranking Member

¹ *Review of ATF's Project Gunrunner, Evaluation and Inspections Report I-2011-001*, November 2010, available at <http://www.justice.gov/oig/reports/ATF/e1101.pdf>

Johnson, Ebony (JMD)

From: Admin. Assistant
Sent: Friday, February 04, 2011 8:20 AM
To: DOJExecSec (JMD)
Cc: Tolson, Kimberly G (JMD); Wells, Barbara A (JMD)
Subject: FW: A Letter from Ranking Member Charles E. Grassley re: ATF matter
Attachments: 2011-01-27 Letter to ATF.pdf

Pls log the attached ltr & please expedite. Thanks.

From: Weich, Ron (SMO)
Sent: Thursday, January 27, 2011 4:27 PM
To: Admin. Assistant
Cc: Admin. Assistant; Agrast, Mark D. (SMO); Gonzales, Mary (OLA)
Subject: FW: A Letter from Ranking Member Charles E. Grassley re: ATF matter
Importance: High

Admin. Assistant please log in and assign to ATF to draft a reply for OLA signature. Admin. Assistant please add to Oversight tracking list (this one is not actually "oversight" because it is not from a chairman, but it is a "significant request." Mary, please consult with Faith about how to proceed.

From: ATF
Sent: Thursday, January 27, 2011 2:42 PM
To: Weich, Ron (SMO); Agrast, Mark D. (SMO)
Cc: Burton, Faith (SMO); Admin. Assistant; McDermond, James E. (ATF)
Subject: A Letter from Ranking Member Charles E. Grassley
Importance: High

We need to discuss this very sensitive issue ASAP.

DP

ATF
DOJ- Bureau of Alcohol, Tobacco, Firearms & Explosives
Chief - Office of Legislative Affairs
ATF (mobile1)
ATF (mobile2)
202: ATF (office)
202.648.9708 (fax)

From: Downey, Brian (Judiciary-Rep) [mailto:Brian_Downey@judiciary-rep.senate.gov]
Sent: Thursday, January 27, 2011 2:01 PM
To: ATF
Subject: FW: A Letter from Ranking Member Charles E. Grassley
Importance: High

From: Downey, Brian (Judiciary-Rep)
Sent: Thursday, January 27, 2011 11:59 AM
To: 'ken.melson@atf.gov'; 'william.hoover@atf.gov'; 'vivian.michalic@atf.gov'
Cc: Foster, Jason (Judiciary-Rep); 'william.hoover@atf.gov'
Subject: A Letter from Ranking Member Charles E. Grassley
Importance: High

Hello,

Please find attached a letter from Ranking Member Grassley. Please confirm receipt, thank you.

Sincerely,

Brian

Brian M. Downey
Investigative Assistant
U.S. Committee on the Judiciary
Ranking Member Charles E. Grassley
U.S. Senate
Washington, DC
(P) 202-224-5225