

Congress of the United States
Washington, DC 20515

October 11, 2011

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Holder:

In the course of our investigation into the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) Operation Fast and Furious, we have spoken with several Federal Firearms Licensees (FFL) who cooperated with ATF during the operation. One such FFL was Lone Wolf Trading Company (LWTC), owned by Mr. Andre Howard.

When Fast and Furious first began in the fall of 2009, Mr. Howard expressed shock at the number of AK-variant and other military-type weapons that were repeatedly being purchased from his store by the same individuals – individuals he suspected to be purchasing the weapons for illicit activities. Mr. Howard, however, told our investigators that ATF agents and lawyers from the United States Attorney's Office for the District of Arizona (USAAZ) encouraged him to continue to make sales to these individuals.

On December 17, 2009, Mr. Howard attended a meeting with individuals from the ATF Phoenix Field Division and the USAAZ. During that meeting, these individuals represented to Mr. Howard that Fast and Furious was a "legitimate operation" and that weapons purchased from his store would be confiscated and interdicted before they would ever cross the border to Mexico.¹ As the owner of an FFL, Mr. Howard feared that if he did not cooperate with ATF and the USAAZ by continuing to allow these suspicious firearms purchases, his license to continue to operate as an FFL might be in jeopardy.

As Fast and Furious wore on, Mr. Howard continued making these sales at the specific direction of ATF and USAAZ. He also provided law enforcement with contemporaneous knowledge of many suspect purchases, in some cases informing ATF, at their request, of impending purchases. Yet the Justice Department did not disclose Mr. Howard's extensive cooperation, even though it publicly identified his store's involvement. For example, DOJ spokespersons have said that "the vast majority of guns seized in crimes across the border [come] from a small number of retailers, *including Lone Wolf*."² Without clarifying LWTC's cooperation with the ATF, this statement paints a misleading portrait of LWTC's role.

In the January 19, 2011 indictments of straw purchasers stemming from Operation Fast and Furious, the DOJ could have protected Mr. Howard's identity if it kept the indictment sealed,

¹ Transcribed Interview of Andre Howard, Owner, Lone Wolf Trading Co., Transcript at 12-13 (May 18, 2011) [hereinafter Howard Transcript].

² Claudia Nunez, *An ever-expanding business*, LA OPINIÓN, May 26, 2011.

or redacted or omitted the name of Lone Wolf Trading Company as it did for other cooperating gun dealers. Instead, DOJ included the name “Lone Wolf Trading Company,” unredacted and unedited, 98 times in the indictment.

The Threat Assessment

As a result of the safety concerns surrounding Mr. Howard that followed the January 19, 2011 indictments, USAAZ requested a threat assessment be performed on Mr. Howard and his residence.³ Several meetings were held regarding this threat assessment. The first of these meetings came at Mr. Howard’s residence on March 17, 2011.⁴ A technician came by the residence, but, according to Mr. Howard, was “basically...just going through the motions.”⁵

The second meeting occurred on April 20, 2011 at the U.S. Marshal’s Office in Phoenix. At that meeting, Department representatives told Mr. Howard that he would receive a “Cadillac threat assessment” and that the “pros . . . from Dover, meaning Delaware, would be coming in to perform” the assessment.⁶ The penultimate meeting occurred on April 27, 2011, when the threat assessment was actually conducted. In Mr. Howard’s view, the threat assessment, “part of an overall promise” that Mr. Howard would “be put in good hands” by DOJ,⁷ ended up being a “sham.”⁸

Other discussions took place regarding Mr. Howard’s security as well. These discussions included the possibility of putting Mr. Howard in a victim witness program,⁹ the witness protection program,¹⁰ and DOJ buying his house and relocating him and his family.¹¹ These discussions took place as a result of LWTC’s inclusion in the January 19, 2011 indictment.

So we can further understand the facts surrounding the so-called threat assessment of Mr. Howard and LWTC, we request you provide all records relating to communications by the following individuals, from February 1, 2011 to the present, about the threat assessment for Andre Howard or LWTC:

- 1) James Needles, Former ATF Assistant Special Agent in Charge
- 2) Hope MacAllister, ATF Special Agent
- 3) Tonya English, ATF Special Agent
- 4) David Voth, ATF Group Supervisor

³ Howard Transcript at 56.

⁴ *Id.* at 59.

⁵ *Id.* at 60.

⁶ *Id.* at 57.

⁷ *Id.* at 61.

⁸ *Id.* at 43, 96-97.

⁹ Audio recording, W500007 at 53:43.

¹⁰ *Id.* at 7:46.

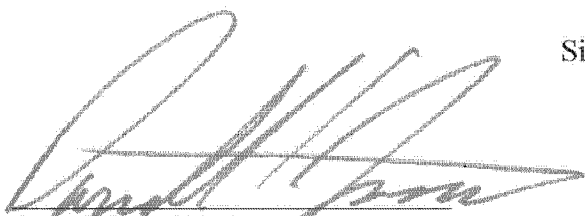
¹¹ *Id.* at 56:48.

- 5) Patrick Cunningham, Chief of the Criminal Division, USAAZ
- 6) Michael Morrissey, Assistant United States Attorney
- 7) Emory Hurley, Assistant United States Attorney
- 8) Kevin Rapp, Assistant United States Attorney
- 9) Kristen Brook, Assistant United States Attorney
- 10) Carla Young, ATF Senior Counsel for Field Operations
- 11) Darlene Averick, ATF National Victim Witness Coordinator

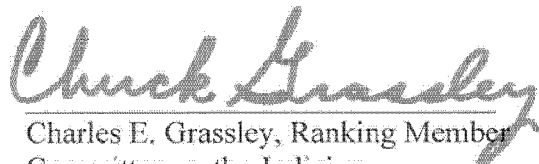
The records we seek should include e-mails, memoranda, briefing papers, and handwritten notes. Additionally, the records should also include all e-mails sent to Mr. Howard's lawyers, Lawrence A. Gaydos and Christopher T. Rapp. Please provide this information as soon as possible, but by no later than noon on October 18, 2011.

If you have any questions regarding these requests, your staff may contact Tristan Leavitt in Ranking Member Grassley's office at (202) 224-5225 or Henry Kerner of Chairman Issa's Committee staff at (202) 225-5074. We look forward to receiving your response.

Sincerely,



Darrell Issa, Chairman
Committee on Oversight and
Government Reform
United States House of Representatives



Charles E. Grassley, Ranking Member
Committee on the Judiciary
United States Senate

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform
United States House of Representatives

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