

Congress of the United States
Washington, DC 20510

October 15, 2012

VIA ELECTRONIC TRANSMISSION

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

Dear Attorney General Holder:

We are in receipt of the Department's October 12, 2012, letter regarding the U.S. Attorney's Office for the District of Nevada and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in Reno.

On September 28, 2012, we understand that ATF Acting Director B. Todd Jones and U.S. Attorney Daniel Bogden released a public statement, although neither the Justice Department nor ATF took any steps to notify any of our offices about the statement before we learned about it from public news accounts. In that statement, Acting Director Jones and U.S. Attorney Bogden reportedly said: "The United States Attorney's Office in Nevada is accepting, for review and potential prosecution, all cases and matters referred to it by ATF. The United States Attorney's Office and ATF are reviewing the allegations and will work to address any issues that could impact the effectiveness of their law enforcement efforts to protect the public from violent crime."

According to recent accounts by the Reno Gazette Journal, the U.S. Attorney's Office for the District of Nevada may have declined or dismissed as many as a dozen cases that had been submitted to it by ATF.¹ Therefore, please provide answers to the following questions:

- 1) Is the U.S. Attorney's Office re-considering the cases that it formerly declined when submitted to it by ATF?
- 2) If so, how long will it take to conduct reviews of those cases?
- 3) Who within the U.S. Attorney's Office would conduct the review?

¹ Martha Bellisle, *ATF cases U.S. Attorney's office in Reno refused to prosecute*, RENO GAZETTE JOURNAL (Oct. 9, 2012), available at <http://www.rgj.com/interactive/article/20121009/NEWS01/121009018/RGJ-Investigates-ATF-cases-U-S-Attorney-s-office-Reno-refused-prosecute>.

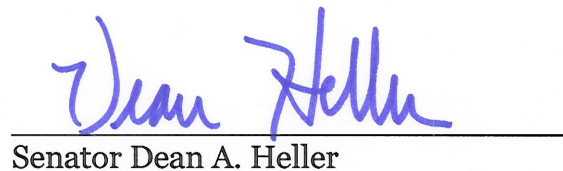
- 4) In the course of the U.S. Attorney's Office's dispute with ATF, how many of the ATF cases declined by the U.S. Attorney's Office would be barred within the next six months by statutes of limitations? For each such case, precisely when would the statute of limitations expire?

Please provide a response and produce these documents by Thursday, October 25, 2012. If you have any questions concerning this matter, please contact Tristan Leavitt of Senator Grassley's staff at (202) 224-5225, Leeann Gibson of Senator Heller's staff at (202) 224-6244, or Candice Hance of Representative Amodei's staff at (202) 225-6155.

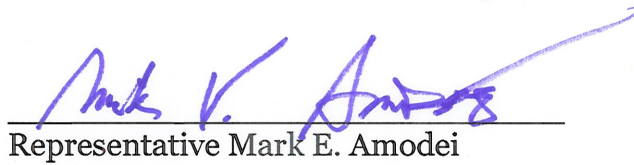
Sincerely,



Senator Charles E. Grassley



Senator Dean A. Heller



Representative Mark E. Amodei

cc: The Honorable Michael E. Horowitz, Inspector General
U.S. Department of Justice

B. Todd Jones, Acting Director
Bureau of Alcohol, Tobacco, Firearms, and Explosives

The Honorable Daniel G. Bogden, U.S. Attorney for the District of Nevada
U.S. Department of Justice