



**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

*Washington, D.C. 20530*

October 11, 2011

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

Dear Senator Grassley:

This responds to your letters, dated March 4, 2011 and March 28, 2011, to then Acting Director Kenneth E. Melson, of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, regarding the investigation into the death of U.S. Immigration and Customs Enforcement (ICE) Agent Jamie Zapata in Mexico. We apologize for the delay in responding to your letters.

We take seriously your concerns about the murder of Agent Zapata and gun trafficking more generally. That said, we have active, ongoing criminal investigations regarding those matters, which limits the information that we are in a position to disclose in response to your questions. We can advise you that, as indicated in our press release of March 1, 2011, one of the firearms used in the deadly assault on Agent Zapata was purchased by Otilio Osorio on or about October 10, 2010. We understand that ATF was not aware of the firearm's purchase at the time it occurred. We further understand that ATF was first made aware of the purchase on or about February 25, 2011, some ten days after the murder of Agent Zapata.

As you may know, Otilio Osorio, Ranferi Osorio, Kelvin Morrison and others have been charged with various federal offenses and are scheduled for trial in the near future. Our disclosure of additional information requested by your letters would be inconsistent with the Department's strong interest in successfully prosecuting this matter, as well as with our longstanding policy regarding the confidentiality of ongoing criminal investigations. We will continue to provide you and Chairman Leahy with other information responsive to your requests, as appropriate.

Please do not hesitate to contact this office if we may be of additional assistance on this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "m w", likely representing Ronald Weich.

Ronald Weich  
Assistant Attorney General

cc: The Honorable Patrick J. Leahy  
Chairman