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**House of Representatives**

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March 19, 2014

The Honorable B. Todd Jones  
Director  
Bureau of Alcohol, Tobacco, Firearms, and Explosives  
99 New York Avenue, NE  
Washington, D.C. 20226

Dear Mr. Jones:

I write to express my disappointment with the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) complete lack of cooperation with the Committee's investigation into ATF's dangerously mismanaged undercover storefront operations. After more than a year of promised cooperation, multiple letters to you, and several unfulfilled document requests, I have no choice today but to issue the enclosed subpoena to compel the production of documents relevant to the Committee's investigation.

The Committee first became aware of Operation Fearless, a storefront operation in Milwaukee, Wisconsin, from media reports in January 2013.<sup>1</sup> These reports made clear that Operation Fearless was fundamentally mismanaged, evidenced by the fact that nearly \$40,000 in merchandise and three guns were stolen from ATF agents during the operation, including a fully-automatic rifle.<sup>2</sup> After months of delay, ATF officials finally briefed congressional staff on April 15, 2013, and noted that such storefront operations were limited to the single instance in Milwaukee. Subsequent media reports, however, revealed that similar operations existed in at least a half-dozen other cities across the country.<sup>3</sup>

Beyond the thefts in Milwaukee, numerous problems existed at the other ATF storefront operations. In multiple cities, mentally handicapped individuals were recruited by ATF agents to facilitate sales of guns—and were later arrested for their involvement.<sup>4</sup> In one case, a storefront intended to lure criminals with guns and drugs was inexplicably situated directly across the street

<sup>1</sup> John Diedrich and Raquel Rutledge, *ATF's Milwaukee sting operation marred by mistakes, failures*, MILWAUKEE JOURNAL SENTINEL (Jan. 29, 2013), available at: <http://www.jsonline.com/watchdog/watchdogreports/atfs-milwaukee-sting-operation-marred-by-mistakes-failures-mu8akpj-188952581.html>.

<sup>2</sup> *Id.*

<sup>3</sup> John Diedrich and Raquel Rutledge, *ATF uses rogue tactics in storefront stings across nation*, MILWAUKEE JOURNAL SENTINEL (Dec. 7, 2013), available at: <http://www.jsonline.com/watchdog/watchdogreports/atf-uses-rogue-tactics-in-storefront-stings-across-the-nation-b99146765z1-234916641.html>.

<sup>4</sup> *Id.*

The Honorable B. Todd Jones

March 19, 2014

Page 2

from a middle school.<sup>5</sup> In several instances, agents damaged the properties they leased for the storefronts and refused to repair them or compensate the landlords.<sup>6</sup> In fact, these problems are so widespread and so severe that the Department of Justice's Office of the Inspector General recently announced that it would be investigating storefront operations in six cities.<sup>7</sup>

Nominated to lead ATF in the wake of the reckless Operation Fast and Furious, you were ultimately confirmed as Director with an expectation that you would clean up field operations and end the reckless behavior that has defined ATF in recent years. The Milwaukee storefront operation, in particular, is troubling because it occurred entirely under your watch. Additionally, it was part of ATF's "Monitored Case Program," which was created following Fast and Furious to provide enhanced oversight of ATF field operations.<sup>8</sup> It is surprising that failures such as Operation Fearless in Milwaukee occurred despite this enhanced oversight from ATF leadership, and these operations call into question your leadership at ATF.

In letters sent on January 31, 2013, April 3, 2013, May 10, 2013, and January 9, 2014, Chairmen and Ranking Members from other House and Senate committees joined me in requesting information from you that would shed light on these flawed operations. Despite receiving assurances from your staff that ATF would fully cooperate with our investigation, not once have you or your staff responded to any of these letters or produced even a single document.

The time for hollow promises is over. Regrettably, I must now compel you to produce the requested documents. The enclosed subpoena requires you to produce to the Committee all responsive documents listed in the attached Schedule on or before March 31, 2014. Thank you for your attention to this serious matter.

Sincerely,



Darrell Issa  
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Letter from Hon. Michael E. Horowitz, Inspector Gen., U.S. Dept. of Justice, to Hon. Darrell E. Issa, Chairman, and Hon. Elijah E. Cummings, Ranking Member, H. Comm. on Oversight & Gov't Reform (Feb. 19, 2014).

<sup>8</sup> Letter from Hon. James M. Cole, Deputy Att'y Gen., U.S. Dept' of Justice, to Hon. Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform, et al. (Jan. 27, 2012), at 3.