



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

March 28, 2012

The Honorable Charles E. Grassley
Co-Chairman
Senate Caucus on International Narcotics Control
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Grassley:

Enclosed, please find my responses to your Questions for the Record pertaining to the December 7, 2011 hearing before the Senate Caucus on International Narcotics Control, entitled, "Exploring the Problem of Domestic Marijuana Cultivation." Please note that, while your questions were dated December 14, 2011, our office did not receive the e-mail containing the questions until January 25, 2012.

I appreciated the opportunity to testify before the Caucus. Should you have any further questions, please do not hesitate to contact me directly at (202) 395-6700, or have your staff contact Rob Reed, Director of ONDCP's Office of Legislative Affairs, at (202) 395-6912.

Respectfully,

A handwritten signature in cursive script, reading "R. Gil Kerlikowske".

R. Gil Kerlikowske
Director

cc: Senator Dianne Feinstein, Chairman, Senate Caucus on International Narcotics Control

Responses by ONDCP Director R. Gil Kerlikowske
to Questions for the Record from Senator Charles E. Grassley

1) May 13, 2010, briefing by former ATF Special Agent-in-Charge William Newell

a) Was there any communication about, or were you aware of, a “large gun trafficking case” going on in Arizona either at the time of the briefing or at another time?

No, as I recall the briefing, the conversation did not involve a discussion of particular cases. It primarily dealt with implementation of the Spanish language e-trace system, and the need to encourage greater use of it by Mexican officials.

With respect to the “at another time” portion of your question, as you are aware, ONDCP’s document production to Congress included a March 2010 document prepared by the U.S. Attorney’s Office in Arizona that was included in the packet of information I received for my trip to Phoenix, Arizona on March 24th to participate in a U.S. Attorney’s Conference. The document was an eight page summary overview of significant law enforcement activities in Arizona that included one paragraph on “Operation Fast and Furious.” While I do not recall that single reference to the operation, I note that, having looked at it in connection with ONDCP’s

document production, it contains no information indicating that ATF was not closely monitoring firearms or that ATF was letting guns “walk.”

b) Who introduced you to William Newell?

Roseanna Ander, the Executive Director of the University of Chicago Crime Lab, a longtime acquaintance of mine in the law enforcement community, had heard then ATF SAC Bill Newell speak at an IACP Conference and she recommended that I hear what he had to say.

(See email from Roseanna Ander dated November 13, 2009)

c) What is your relationship with William Newell? Describe your relationship with him after this May 13, 2010, briefing.

I had no “relationship” with Mr. Newell beyond an occasional email exchange (which have already been provided to your office) and crossing paths with him at broadly attended meetings of law enforcement and policy officials in Arizona, such as the US Attorneys’ Conference in Arizona on March 24-25, 2010 and a four state consultation tour on September 1-2, 2010 related to ONDCP’s preparation of the National Southwest Border Counternarcotics Strategy.

d) Provide the names of all who were in attendance at this May 13, 2010, briefing.

In addition to Mr. Newell and me, I recall that William McMahon from ATF's Washington office, Kevin O'Reilly of the National Security Council staff, and Patrick Ward, Brad Hittle, and Matt Phillips of ONDCP's Office of Supply Reduction were present.

e) Was former White House staffer Kevin O'Reilly present at the May 13, 2010, briefing?

Yes, Mr. O'Reilly was present.

f) What role did Kevin O'Reilly have that necessitated him being emailed by Mr. Hittle of your staff about this briefing?

It was routine to invite members of the NSC staff to briefings on issues within their areas of responsibility. Mr. O'Reilly had the Mexico portfolio at the NSC for several years and he was regularly invited to attend Mexico-related briefings at ONDCP.

g) Were the briefing paper and talking points presented by William Newell used during Mexican President Calderon's State visit that occurred on May 19, 2010?

I do not know. ONDCP did not see the briefing documents for those meetings.

2) Relationship between Director Kerlikowske and former United States Attorney for the District of Arizona Dennis Burke

a) Regarding the April 27, 2010 email, what did you and Dennis Burke speak about?

As I recall, the April 27, 2010, email reference was to a brief exchange with U.S. Attorney Dennis Burke about the Spanish language e-trace system that had recently been set up to trace firearms recovered by Mexican authorities. I was inquiring about the frequency with which Mexican officials were using the system. The number of weapons entered into the system for identification had been relatively small, and there was concern that the Mexican Government needed to expand access by its law enforcement personnel to this important investigative tool.

b) How often do/did you communicate with Dennis Burke? What were the topics of these communications?

My communications with Mr. Burke were very limited. There were several phone conversations, usually in preparation for my trips to law enforcement related conferences in Arizona, and meetings with him while attending those conferences (the U.S. Attorneys' Conference in March, 2010, and the consultation tour regarding the National Southwest Border Counternarcotics Strategy in September, 2010). We discussed law enforcement policy issues, including, as noted above, use of the Spanish

language e-trace to identify the source of firearms seized by Mexican law enforcement.

c) Did Dennis Burke speak of Fast and Furious or a “large gun trafficking case” in Arizona?

To my recollection, Dennis Burke never spoke to me about “Operation Fast and Furious” or a “large gun trafficking case” in Arizona.

3) Weekly reports from the National Drug Intelligence Center and significant case reports from the United States Attorney’s office, District of Arizona

a) Did you read these reports? And if yes, when did you become familiar with the operation name “Fast and Furious?”

Weekly reports from the National Drug Intelligence Center were prepared for the Justice Department, with copies coming to the NDIC liaison officer assigned to ONDCP. The liaison officer would then forward them to intelligence analysts in ONDCP’s Office of Supply Reduction and the reports remained with them. As you will note from the documents ONDCP produced, the NDIC reports typically conclude with a list of requested intelligence products of which ONDCP was a frequent requestor. That information helped our intelligence unit keep track of ONDCP’s requests. They were not prepared for my consumption.

I have no recollection of hearing the operation name "Fast and Furious" until sometime after the indictment was unsealed and allegations of inappropriate tactics became the subject of public controversy. As previously noted, ONDCP produced a March 2010 document prepared by the U.S. Attorney's Office in Arizona that was included in the packet of information I received for my trip to Phoenix, Arizona on March 24, 2001 to participate in a U.S. Attorneys' Conference. The document was an eight page summary overview of significant law enforcement activities in Arizona that included one paragraph on "Operation Fast and Furious." It contained no information indicating that ATF was not closely monitoring firearms or that ATF was letting guns "walk." While I do not recall that particular entry, I do recall having received the document in preparation for my trip.

b) How many reports did ONDCP receive from the United States Attorney's Office, District of Arizona?

The March 2010 summary of law enforcement activities from the U.S. Attorney's Office in Arizona is the only report of that type that I am aware of.