
From: Ramey, Jenna (USAAZ) <Contractor>
To: Sherwood, Robert (USAAZ) <Contractor>; Tarango, Manuel (USAAZ)
Sent: 2/3/2011 11:20:04 AM
Subject: RE: AZ Republic on Harbin

Kim Murphy from LA times... I'm assuming you all saw this...

Guns tracked by firearms bureau found at firefight scene

In a sign of the cost of widespread U.S. weapons smuggling into [Mexico](#), federal law enforcement sources have confirmed that two guns, part of a series of purchases that were being monitored by authorities, were found at the scene of the firefight that killed a U.S. Border Patrol agent in southern Arizona.

Sources said U.S. authorities did not have the ability to adequately monitor the movement of the guns toward the southern border, in part because current laws and low levels of staffing.

As a result, "the next time they became aware of those weapons was when they turned up at the crime scene," said one source, who, like others connected to the case, spoke on condition of anonymity because of the ongoing criminal investigation.

"My worst fear was that they would be used in a homicide of a Mexican military official or a Mexican police official. It crossed my mind that they would be used against U.S. forces, but I didn't think it would happen this soon," said another federal law enforcement source.

The disclosure comes amid a widening congressional investigation into allegations lodged by whistleblowers within the [Bureau of Alcohol, Tobacco, Firearms and Explosives](#). They allege the agency has been aware of the purchase of assault weapons in the U.S. by buyers suspected of selling across the border, but failed to adequately track them.

Sen. Charles E. Grassley (R-Iowa), ranking member of the Senate Judiciary Committee, has asked the bureau for detailed answers about its gun smuggling investigation, known as Project Gunrunner.

In a letter to the bureau, Grassley said there are "serious concerns that the ATF may have become careless, if not negligent, in implementing the Gunrunner strategy."

Grassley has focused on allegations that two AK-47s purchased with cash from a dealer in Glendale, Ariz., on Jan. 16, 2010, were then used in the Dec. 14 firefight that left Border Patrol Agent Brian Terry dead. Federal sources said agents were notified about the sale of the guns several days after the purchase.

The whistleblowers have complained that Project Gunrunner has focused on gathering intelligence on suspicious weapons sales, but has put less attention on actually stopping those weapons from moving south. Some also have complained that Mexican authorities had been dangerously kept out of the loop.

Federal sources confirmed that there has been controversy over the program within the bureau and, at least in the early stages, little communication with Mexican authorities, many of whom are often targeted with U.S.-smuggled weapons.

"Should they have been notified? I think you're correct," said one source familiar with the investigation.

"The policy [until Project Gunrunner] has always been we don't allow any weapons to cross south of the border, because then it's out of our hands and we can't control it," he said.

But the complaints were "overruled," he said, by both the Phoenix office and bureau headquarters in Washington, D.C.

Tom Mangan, spokesman for the bureau's Phoenix office, which oversaw the latest series of arrests under Project Gunrunner, said he was "absolutely unaware" of any instance in which federal investigators knowingly allowed weapons to be smuggled into Mexico.

At the same time, he and others said, federal agents were not always able to ascertain what happened to weapons after being purchased by straw buyers ♦ legal residents who buy the weapons from licensed gun dealers, but end up selling the guns to Mexican drug cartels. They said this was in part because there is no federal law preventing the sales of multiple assault weapons to individual buyers, even when those buyers seem suspicious.

As the allegations have come to light, gun dealers across the southwest border have said the ATF has for years been quietly gathering information about questionable multiple purchases and even asking gun dealers to gather information, including descriptions and license plate numbers of suspicious buyers.

Dick DeGuerin, who represents Houston gun dealer Bill Carter, owner of Carter Country, said the company is now being threatened with a federal indictment as a result of multiple sales to purported straw purchasers ♦ sales he said were not only reported to the ATF, but which federal agents encouraged Carter Country employees to complete.

"What's going on now is some of these agents are scared of their own careers, and are afraid to own up to the fact that they encouraged Carter Country to go through with these sales," DeGuerin said. "The breakdown came with, what did the ATF do with the information that Carter Country was delivering to them? Apparently, they didn't do much."

One federal law enforcement source said the agency has far too little staff to monitor the large number of suspicious transactions of which it was made aware.

"Sometimes you do a controlled delivery to some guy over there, but if you talk to the U.S. attorneys on the U.S. border and they tell you they prosecute those cases, they're lying to you," he said. "There's a lot of time involved, and those people are going to get 18 months. Those straw purchasers know they're going to get no time, and it's time consuming, sitting on these gun stores, following these guys all over the place."

He said agents "never" knowingly allow weapons to be transferred across the border. "You don't let the guns walk intentionally," he said. "I can tell you for a fact that was never done. Ever. All ATF agents are taught that way. But sometimes on a surveillance, you might lose the guns."

Federal authorities in Phoenix last month announced the indictment of 34 people accused of acting as straw purchasers for weapons bound for Mexico, mostly destined for delivery to the Sinaloa drug cartel. Many of them came from the same Arizona gun dealer believed to have sold the weapons found at the scene of Terry's death.

Mangan said it is possible under current federal law for intermediaries to buy hundreds of assault weapons without triggering a federal reporting requirement, as is required with handguns. "Unless that gun is recovered or brought to the attention of the authorities, we wouldn't even know about the purchases, and that could be going on for a number of years," he said.

He said ATF agents have had "very good relations" with gun dealers who voluntarily report the information. "A lot of federal firearms licenses will call us on a daily basis, and they may identify certain individuals. They feel an obligation when they're dealing this type of weapon to people they suspect might be trafficking in guns," he said.

But agents are hampered in following up, he said. "An individual could buy 500 guns, and painfully, we know that's legal. And then they can turn around and say, 'I sold them.' And then again, realistically, say you have a list of these guns, if some of them would turn up in Mexico, it's, 'I just sold them; they're not my responsibility; I don't know how they got there.'"

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From: Sherwood, Robert (USAAZ) <Contractor>
Sent: Thursday, February 03, 2011 8:58 AM

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To: Burke, Dennis (USAAZ)

Cc: Cunningham, Patrick (USAAZ); Parecki, Josh (USAAZ); Hernandez, Rachel (USAAZ); Tarango, Manuel (USAAZ); Ramey, Jenna (USAAZ) <Contractor>; Scheel, Ann (USAAZ)

Subject: AZ Republic on Harbin

JJ Hensley finally caught up to this story at arraignment, did a nice job. Ran on B1, Valley and State.

<http://www.azcentral.com/arizonarepublic/local/articles/2011/02/03/20110203arizona-white-supremacist-bombing-making-case-fbi.html>

Arizona defendant in bomb-making case on FBI radar since fall

7 comments by **JJ Hensley** - Feb. 3, 2011 12:00 AM

The Arizona Republic

No one will say when Jeffery Harbin first came to the attention of federal authorities, but by mid-November, the reputed White supremacist from Apache Junction was squarely in the sights of the FBI.

Authorities allege Harbin, 28, had been manufacturing homemade explosives at the home of his girlfriend, Heather Harner, when Harner told an undercover informant with the FBI that she was concerned by his activities.

Two months later, Harbin was in federal custody and facing charges of possessing and transporting explosive devices after agents arrested him leaving the home of the informant.

Harbin, described in court documents as a member of the National Socialist Movement, a reputed White-supremacist organization, pleaded not guilty to the allegations at his arraignment Wednesday in U.S. District Court.

According to those court documents, Harner told the informant in November that Harbin had manufactured about 6 gallons of aluminum powder, an explosive used as a propellant. Harner also told the informant that Harbin spent about \$200 on model-rocket engines to be used with the aluminum powder.

But federal agents do not believe Harbin was interested in building model rockets.

"Jeffery Harbin built these (improvised explosive devices) in such a way as to maximize human carnage," Dennis Burke, U.S. attorney for Arizona, said when Harbin was recently indicted.

During a phone call in early January, Harbin was told the informant "was interested in making 'trip' or 'smoke' flares for operations along the Arizona-Mexico border and asked Harbin to assist," according to court documents.

About a week later, Harbin was at the informant's home with two large plastic tubs and a "homemade grenade" that Harbin described as his "little baby," according to federal agents who were listening in on the conversation through a recording device hidden on the informant.

The informant also told agents that Harbin brought a "pipe bomb complete with end caps and a model-rocket engine igniter fusing system," according to court documents.

Arizona Department of Public Safety officers pulled Harbin over a short time after he left the informant's home. When federal agents searched Harbin's vehicle, they found three improvised explosive devices among other items, including wires, fuses, model-rocket engines and chemicals.

"The defendant was intercepted, and the devices he created were disabled before they could be used to potentially inflict grave human harm," Burke said.

Maricopa resident Harry Hughes, a member of the National Socialist Movement, said Harbin was no longer considered a member of the group because Harbin had not attended recent meetings.

Hughes said the last time he saw Harbin was at a National Socialist Movement rally in downtown Phoenix in November.

"I've never seen him use anything like that. I never really would have expected him to be involved in things like that," Hughes said of the explosives. "I anticipate this is just like many of these other cases, where these people are hoodwinked into doing something they wouldn't do for one reason or another."

Messages left with Harbin's attorney were not returned Wednesday.

A man who identified himself as a cousin of Harbin declined to comment after a brief court hearing Wednesday.

Harner, whose concerns reportedly launched the investigation, threatened to file harassment charges against reporters who tried to contact her.

"You're not going to get anything," she said.

Read more: <http://www.azcentral.com/arizonarepublic/local/articles/2011/02/03/20110203arizona-white-supremacist-bombing-making-case-fbi.html#ixzz1CuaVkCkB>