

From: Newell, William D.
To: Chait, Mark R.
Sent: 3/5/2011 12:55:16 AM
Subject: SA [ATF] and Case #785115-10-0020
Attachments: ATF O 3310.4B.pdf; Email dated June 4.2010.pdf; Email dated June 7.2010.pdf; Email dated May 12.2010.pdf; Email dated May 27.2010.pdf; Op plan dated 6.1.2010.pdf

In response to your request for additional information on this case and the issue regarding the 6 Draco pistols, I encourage you to read the following e-mails, case proposal, op plan (1 of 3) and other documents. Once you've done that I'll be happy to discuss. You will clearly see that contrary to his statements on national TV where he states he was "forced" to "walk" guns, something he was "dead set against" and "vehemently complained about". Read the attached e-mails, and there are a lot more like it in which you'll clearly see the attitude that [ATF] had when dealing with a supervisor clearly asking him to document things as required by the Orders. We'll have these and much more on Monday.

Attachments:

E-mail dated May 12 – response to a request from GS [ATF] asking SA [ATF] for some basic information on a [ATF] [ATF] he was proposing. At this time there were only 8 guns allegedly trafficked and the primary purpose was to gain information on some alleged [ATF] [ATF]. Obviously we want to know what he wanted to do with this, thus the strategy PROPOSED BY [ATF]

E-mail dated May 27 – [ATF] prepared a proposed [ATF] REQUESTED what he is saying he was forced to do.

E-mail dated June 4 – response to a request from GS [ATF] to properly place currency into custody. SA [ATF] had received several hundred dollars from the target in this case to purchase firearms and had this in his desk, unsecured. GS [ATF] told him to place it into evidence as required. SA [ATF] made the comment that GS [ATF] was trying to "set him up" to which GS [ATF] told him nothing could be further from the truth, just abide by the Orders.

E-mail June 7 – response to a request from GS [ATF] to prepare a short synopsis and status of the case for ASAC Needles (after a request from me to both ASACs) in order to brief the Director who was coming to town for the GRIT.

Op Plan dated 6.1.2010 – one of three op plans in this case, all of which we will have with us on Monday. This one pertains to the deal in which SA [ATF] REQUESTED authorization to transfer the 6 Dracos to the subject in furtherance of the case.

ATF Order 3310.4B, Section 148(a)(2) – which states that "weapons transfers" may not be needed or desirable, and the special agent may choose to allow the transfer of firearms to take place in order to further an investigation and allow the identification of additional coconspirators who would have continued to operate and illegally traffic firearms in the future, potentially producing more armed crime".

Bill Newell
Special Agent in Charge
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
Phoenix Field Division (Arizona and New Mexico)
Office – (602) [ATF]