

10/30 @ approx 2:40 pm
conveyed U/AO position to

ATF

Van Buskirk, Tracy (USAAZ)

From: Hurley, Emory (USAAZ)
Sent: Friday, October 30, 2009 2:39 PM
To: Van Buskirk, Tracy (USAAZ)
Subject: Exporting Grenade Bodies

Received response that ATF will proceed with their investigation as they see fit. According to agent **ATF** decisions being made at levels above him. JVB

Tracy,

You received a call from ATF Yuma and later you and I both spoke by phone with the ATF agents in Yuma about a shipment of grenade bodies that may be headed south to Mexico. It appears that the grenade bodies without explosives are covered by the United States Munitions List under Category IV (h) as a "specifically designed or modified component" of a grenade. As such, they cannot be exported without a license. A violation of 22:2778 however, is a specific intent crime requiring a willful state of mind.

ATF has a target in Yuma named **ATF** suspected of smuggling guns to Mexico. Several months ago this target bought seven AK47s on a single day from a single Tucson FFL. Following a tip from the store, ATF went to talk to the target who gave them a story about the guns being in a storage locker on Indian Country and finally telling ATF that he would be willing to talk to them with his attorney present, but then avoided setting up an interview. Target also changed addresses and cell phones and sought to duck any contact with ATF.

ATF has learned that this target has recently ordered 100+ grenade bodies from a surplus company in New York. The company is working with ATF and will send the shipment to ATF before it is sent to the target, so that ATF can insert a flyer into the shipment containing a UC number that defendant might call to set up illegal arms deals. I have run this aspect of the case past **ATF** and he advises this type of UC contact with an unindicted subject is permissible, even if they have claimed to be represented on previous matters.

ATF has also questioned whether or not they could **ATF**
ATF

ATF This office cannot approve of the exportation of grenade bodies under these circumstances.

If it becomes clear that the target is taking grenade bodies out of the United States into Mexico, we cannot approve of allowing the illegal export to be accomplished. The munitions should be confiscated at the outbound port. Although it is very likely that no charges will arise from this confiscation unless the target makes a detailed and unexpected confession, the munitions should still be interdicted and administrative forfeiture of the grenade bodies initiated by ATF. Although ATF is concerned about tipping its hand and letting the target know he is under investigation, we cannot be a party to the unlawful export of 100+ grenade bodies; **ATF**

Should ATF want to interdict the grenade bodies without making its involvement obvious, the confiscation could be accomplished with a secondary outbound inspection by CBP/USBP. The Target could be warned that guns, gun parts, ammunition, ammunition components, grenades, and any grenade components or parts are illegal for export without a license, thus putting the target on notice for the next time he attempts to smuggle munitions.