
From: Sherwood, Robert (USAAZ) [Contractor]
To: Burke, Dennis (USAAZ)
Sent: 6/15/2011 9:43:39 PM
Subject: Fw: folo

From: - Capitol Media Services [mailto:capmedia@hotmail.com]
Sent: Wednesday, June 15, 2011 09:42 PM
To: Sherwood, Robert (USAAZ) [Contractor]
Subject: folo

robbie:

below is what moved as writethru, compete with notes to editors which you are free to share or not with dennis.

-- howie

Border shooting -- 06/16

>> MANDATORY WRITETHRU to alter somewhat statements by Sherwood: apparently he was not authorized to speak to all these issues and was instead providing background. this REPLACES material that starts after the Forcelli quote and the first reference to Burke; picks up anew starting, 'Gov. Jan Brewer....'

(thanks for understanding. need to preserve source.)

eds: note strong arizona angle in the story.

the following names are cq: John Dodson, Brian Terry, Darrell Issa, Charles Grassley, Jan Brewer, Eric Holder, Peter Forcelli, Robbie Sherwood, Dennis Burke, Olindo "Lee" Casa, Robert Heyer.

By Howard Fischer
Capitol Media Services

PHOENIX -- A federal agent told members of Congress on Wednesday that Bureau of Alcohol, Tobacco and Firearms agents in Arizona routinely allowed the purchase of guns they knew would wind up in the hands of Mexican cartel members.

John Dodson told members of the House Committee on Oversight and Government Reform said Phoenix firearms dealers had provided the agency with the names of more than 40 people who were likely buying guns really meant for criminals.

"From the earliest days of the operation ... I had no question that the individuals we were watching were acting as straw purchasers and that the weapons they purchased would soon be trafficked to Mexico and locales all along the Southwest border, where they would be used in violent crime if we did not intervene," he testified. "However, we did nothing."

Instead, he said, agents were told to track the weapons in hopes of finding out where they were going.

The process, known as Operation Fast and Furious, came under congressional scrutiny after two weapons purchased by one of those straw buyers turned up at the scene of where Border Patrol agent Brian Terry was shot to death near Rio Rico last December.

"Simply put ... ATF failed to fulfill our most fundamental obligations, to caretake the public trust, in part, to keep guns out of the hands of

criminals," Dodson testified.

The dust-up over the program has taken on decidedly partisan tones -- and not just nationally.

Wednesday's hearing was called by Rep. Darrell Issa, R-Calif. And Sen. Charles Grassley, R-Iowa, the ranking Republican on the Senate Judiciary Committee, who helped publicize the issue, was called as the first witness.

"ATF is supposed to stop criminals from trafficking guns to Mexican drug cartels," Grassley testified.

"Instead, ATF made it easier for alleged cartel middlemen to get weapons from U.S. gun dealers," he continued. "Agents were ordered to stand by and watch these middlemen -- these straw purchasers -- buy hundreds upon hundreds of weapons."

Grassley said the both the president and Attorney General Eric Holder said they did not authorize it. But he said someone in the administration is to blame.

"It was a conscious decision by senior officials," Grassley said. "It was written down. It was briefed up to Washington, D.C."

But Peter Forcelli, a supervisor at the Phoenix field office for ATF, raised questions about the role of the person the president appointed as U.S. Attorney for Arizona .

"The operation, which in my opinion endangered the American public, was orchestrated in conjunction with Assistant U.S. Attorney Emory Hurley" who works out of Phoenix, he testified. "I have read documents that indicate that his boss, U.S. Attorney Dennis Burke, also agreed with the direction of the case."

But Burke press aide Robbie Sherwood, citing prior official statements by the Department of Justice, said there was never a plan to let guns get into the hands of the criminals but instead use the sales as a method of taking down cartels.

Sherwood said the Department of Justice recognizes that the mere possession of a gun by someone legally entitled to have it is not a crime. Instead, prosecutors set up the program to track the weapons and move in when it was sold to someone else.

Gov. Jan Brewer, a Republican, weighed in Wednesday with her own criticism.

"I am outraged by findings in a new congressional report that alleges federal agents were instructed to stand aside and do nothing as up to 2,000 weapons were illegally purchased in Arizona and resold," the governor said in a prepared statement. "In many cases, the end result appears to have been the arming of violent drug cartels south of the border."

But Burke, speaking again through Sherwood, slapped back. He said there was a specific need for this kind of operation -- tracking otherwise legally purchased guns -- in Arizona.

"The reason why gun trafficking mushroomed in Arizona is because Arizona state gun laws were known in the criminal underworld for being lax," Sherwood said. Olindo "Lee" Casa, a special ATF agent in the Phoenix office, painted a slightly different picture than Sherwood of what he and others were and were not allowed to do.

He said there were numerous occasions where the surveillance team followed straw purchasers to Phoenix area firearms dealers and watch them depart with many guns, including assault-style and large-caliber rifles. Then they followed the purchasers to a home, public location or until the team was spotted by the straw purchaser.

"But the end result was always the same," he said, with the surveillance being halted without seizing the guns.

"On several occasions I personally requested to interdict or seize firearms in such a manner that would only further the investigation, but I was always ordered to stand down," Casa testified.

Sherwood defended the plan, saying it resulted in charges against 20 defendants, "many facing much stiffer counts than would straw purchasers," as well as "untold legislative leads."

The shooting of Terry -- and the entire policy -- has left family members with questions.

Robert Heyer, Terry's cousin, testified that he hopes ATF is forthcoming with the information the committee is seeking.

"We ask that if a government official made a wrong decision that they admit their error and take responsibility for his or her actions," Heyer said, speaking on behalf of the entire family. He also said family members want all those involved prosecuted, including not just the shooter but those who put the weapon into that person's hands.

"Finally, it is our hope that no more law enforcement officers die at the hands of these heavily armed Mexican drug cartel members operating on and inside the borders of the United States," he said.

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