

**ATF**

9:03

Thanks for coming back/coop

**ATF**

Think wld be approp if DOJ provided to press info  
abt. agent's ~~coop~~ uc activities

- Don't know...

How <sup>would you</sup> feel? about that, as sup. agent?

- I s<sup>the</sup> question that DOJ released info abt U/c?

How feel as sup if DOJ rel info abt ID of uc  
to press?

- Need clarification as to how/why  
So you can imagine a <sup>circ</sup> where <sup>that would be</sup> approp?

- Don't know

Ok.

Ex. 10 Email to **ATF** from **ATF** fwd email inquiries  
from reporter - "we just got this from our DOJ  
producer. Not surprising - first Issa, now you"  
Includes info from the <sup>U/c</sup> ~~proposal~~ <sup>proposal</sup> & quotes from  
**ATF** testimony.

In first P, second sentence - "got copy of proposal  
he made", P. 2 - <sup>quotes</sup> reasons for request, "walking"

What is NFA F/A?

- NFA - spec. guns, silencers

- no part. rec<sup>lection</sup> of seeing this lang before

Can you explain how U/c proposal reviewed/app

- R & App by Needles.

Then you first?

- I <sup>John</sup> set up. I tht I did't app, wld need higher  
level app - set up meet w/Needles

- can be

# ATF

- ~~the~~ Don't know

Who?

- correct

If **ATF** u/c, someone else must have done sum?

- Was there plan for sum <sup>that Dodson</sup> after hand off?  
- I bel. so followed CIA to share locker

- not wnt wld be in proposal...  
- Prop. include sum after hand off?

# ATF

- Needs approved, did

- what hap. after c-of-c?  
- request part more sim to my recollection

- that part not my recollection - the specific  
- So "reason for req" - how ops plan works?  
- is this

- yes  
- you response for passing up c-of-c?

- Some of case is on internet they wanted to know if ~~FF~~ file  
- Explain why wanted?  
- it was want

- Yes, to check that was complete, etc.  
- Reviewed them?

- yes

you provided?

- When this became public, the Div (SAC/ASAC)  
- request file - Brandon or Atteberry.

- not reviewed recently  
- when last time rev?  
- you recent

- Yes, you were able to remember this case's number -  
- recently reviewed

- no

Recently?

- language similar

Reviewed docs w/rt this u/c proposal?  
have

Who resp for ensuring there is surveillance?  
- agents

Not you, you're not resp. for providing resources for SW?  
- during this time, GRIT, tried best - no reason

not to believe there was SW  
- but have

- no spec recollection  
Gen recollection

- you would make sure.  
But you

When curt SW, why?  
- Don't know - rem. them

ATF

Sawina diff

ATF

Who to rel?  
- Don't know

ATF

Not your resp to ens. const. SW?  
- I have  
It's

- no rec. of request for extra surveillance.  
Recall that after returning to scene?

- No idea.  
Recall he stayed till we left by himself?

ATF

- I rem. him saying  
- No idea he was out in the we hours.  
He didn't ask.

- I have  
- no spec recollection.  
Gen recollection.

ATF

- yes, he asked for co-ops  
- yes, you assigned him one?

ATF

I assigned

ATF

- Can't rem, rem assign  
Before or after?

**ATF**

Know what **ATF** days/weeks after?  
- No spec recollection.

Gen? of him  
- know period trying to cond surv, no idea of what specifically

Anyone else w/him?  
- no idea.

You didn't assign **ATF**  
- I did.

**ATF** w/him?

- I don't <sup>have</sup> specific recollection

Are you aware <sup>ATF</sup> <sup>was</sup> referred to as "Grp 7 Part One" b/c he was assigned <sup>to</sup> ~~alone~~ to work this investigation alone?

- no

Do you know if <sup>has</sup> <sup>on</sup> anyone assigned to go thru <sup>all of</sup> **ATF** files with a fine-toothed comb?  
- no

- I know this case came up w/ Div, aside from that, no knowledge

I note that name of susp. appears redacted, top of p. 2. Any idea why someone wld redact name of crim?

- don't kn, not involved in prod of doc

Are you aware of DOJ contact w/press?  
- no

**ATF** me - diff set]

**ATF**

You briefed up chairs? Newell?  
- Yes

Newell aware of aspects of this case

- I bel so

McMahon?

- I bel

ask me same question on DOJ press contacts. first refused to answer then said no - I'd be happy to talk abt. I told more approp. setting.

ATF

ATF

ATF

~~I~~ Melson?

- know there was brief packet, Newell said he briefed. I wasn't there.

Ex. 5 - **ATF**

Fairly det?

- Yes.

Ex. 11 | Bates HOCR ATF 1420 - **ATF** going to DC

You rem that brief?

- Yes, this is March 5 meeting I referred to.

1421

Gillett email - "case w/ guns going to Mex"

In brief, dis that guns to Mex?

- we disc recoveries, someth want to inv further, hope to change

Pushback from HQ?

- dont think p-b, we were aware and hoping to take down org. Met w/ good job, keep going

So fbc on org

- Strat - DOJ, ATF - ta take org. We talked abt how going to go up on wire.

Ex. 12 | HOCR ATF 1189 - 500 or 5k guns?

**ATF** intel in Ph?

- so ~~this is~~ at time

This is right aft got there?

- Yes

50 rec in Mex at time?

- Bel so

Ex. 13 | HOCR ATF 1423 - Apr. 2 email

Sense of urg. email - yest. talked abt. try to get USAO moving

- at this time waiting on OED.

So trying to get proc m+u?

- correct

To get these guys off st?

- corr

"Our susp. purch Barr" - <sup>fair to say you put that b/c it's</sup> dang piece of weap?

- Yes, that's fair

Any idea if message rec. favorably? Morceff?

- Can't recall rec. response. Hard to judge

pick up, six more weeks b/f wire app

At time, fair you were talk to G & N to get mov?

- sense that <sup>sooner</sup> wire, wld get us to org sooner

- made ref yest to nov wire

Ex. 14 HOG-R ATF 13481 Apr. 13, 2010 email

Just had 20 AKs purch in 3-day rec. in El Paso -

So you are shortly after last email

- want to correct - wrong abt. timing of wire <sup>in disc. of above doc.</sup>

- wire only good for day

- We had brought people in to help - went down, anti-clim, gun imp wld need again, giving case update trying to go fwd, might need again.

Your boss cc'd, by this pt, susp made stat ↓ MX, so bosses aware of that?

- Yes

- El Paso rec, EPIC inv in this, lots comm.

regarding this

Ex. 15 - HOG-R ATF 1935 - Dec. 2010, Newell to McM

Simple Xs on recoveries. This shortly after Terry.

MX guns traced back?

- bel. acc based on cont. email

Newell to McM - perc. of walk - do you remember  
perc of "walk" started?

- we had talked to USAO abt this, I had email  
w/ guy in TX asking if letting walk, I said  
no, diff. . . .

\* **Ex. 16** HUGR ATF 1941 - email from **ATF** Dec. <sup>17</sup>~~15~~  
Day after initial email, ex. 15. Seems by this  
pt, complaining going on  
- Im not in this email chain.

But com  
- know they wanted to ind **ATF** sugg.  
ANSA's speaks - old be venue issue

Did Needles send this to you?  
- don't think he did.

Rem rep op chain goal was to bring down net?  
- yes

Fts took prec over disrupting straws  
- No, straws can be replaced. Spending res  
was not best use of SF, bet. to take down  
org

But at some pt cld have taken **ATF** out -  
May not hv been able to pros, but cld get  
out of game?

- Unless prohib, can't get out of game

But w/ **ATF** time, prob F/M, you prob cld  
built case v. him?

- If he was conv on that, but w/ ev we  
had, ~~the~~ dec was nev to make case  
v. him



More imp to <sup>get</sup> org v. <sup>get guns</sup> get off st?

- no, think we took off when lawful auth to do so
- ill inter<sup>dictions are in</sup> in nobody's interest
- had conv - not worried abt these 5 or 50 - worried next 500

Sinaloa - int entaprise? If you have succ w/plaza boss - fair to s<sup>ay</sup> that taking down Sinaloa?

- prob. so

US based net, org crime?

- yes

#/A, drugs, hum?

- yes

Fts in hind, work better left to DEA/FBI to purs net?

- don't think so.

If you had played whac-a-mole, jamming straws, you could do that, try to scare?

- we could ask questions.

Might be succ in getting them out? <sup>[prolific straws]</sup>

- That tried, consens<sup>us</sup> by ATF, DOJ, IG - <sup>not working that we should do</sup> opp

- we were trying new strategy

Mueller/Ashcroft - aftermath of 9-11, interrupt took prec over dev. big case?

- gen remember that

Plan to interrupt b/c oth something worse wld happ

- correct

Parallels to Ds here being opp

- we followed strategy we were given

- old strat not deemed to work suff

- wheth new strat work, deemed by oth

Surp if received <sup>money</sup> test<sup>imony</sup> from FFL's they didn't want to make sale, thought ATF wanted them to?  
- that's not the fact - we met <sup>w/ him & USA</sup> and gave very clear ~~act~~ inst

So if A Howard says he felt that -

And if SGC - <sup>It</sup> wouldn't surp - he didn't convey to me <sup>me</sup> thought given <sup>the</sup> reg <sup>ulatory</sup> side, - jammed <sup>by</sup> if <sup>ATF</sup> didn't sell

- Don't know where ~~is~~ jamming wld come from. we had meeting, prov very clear

You helped SGC <sup>on the reg. side</sup>

- I helped - <sup>as part of inspect</sup> they wanted to look for susp. sales, didn't want to hv to do again, I vouched they had <sup>[b/c had already told us]</sup>

## ATF

Recall June town hall w/ Mels in Phx -  
- I bel that was <sup>the</sup> b pack, <sup>pickings</sup> bound copy I ment one  
There was only one?

- believe so.  
Did you have a private meet w/ Mels?  
- I didn't.

## ATF

- d'know.

## ATF

Dir. Sup<sup>erision</sup> of ATF  
- briefings up to inform my sups - #s, wies  
we know ATF visited ATF re rep to you on?

- no, think she talked week ly/daily...  
She didn't keep <sup>you, in</sup> loop?

- no  
When <sup>you</sup> arr <sup>in Phx</sup>, case go<sup>ing</sup> <sup>already</sup> ATF Act, Gillett sup?  
- yes

Newell sup<sup>5</sup> closely inv.?

- don't know. Newell had interest in case, ~~sup~~ passionate abt. SWB, speaks Sp, talks to MX a lot.

Ever thought of recommending to Mac., Gill, Need case shld be done diff?

- no

On bd w/ direction?

- def<sup>need</sup> strat, clear dir from ATF, IC, DOJ, ~~diff~~  
- though this was that.

**ATF**

For record: I've checked, and the language in ex. 10 - not produced to comm [?]

**ATF**

What are resp. of a case agent?

- writing reports, doing interviews, writing legal process, part. in decisions of case, hard to take out anything, confer w/ USA & mgmt. I mean, it's your case...

So in smaller case, case agent does ev?

- yes

How abt in larger case?

- In this case, so large, over 400 reports, legal process w/ affidavits, 70-80 pp, so much - some other stuff delegated, to keep track of purch. Surv. team leaders, wife room

So here, ca handled reports, lea

- all WTs, some parts helped, I relied on her for data, maybe she'd glean but she would gather/corro

- she was all wires
- Resp. of line agents in F&F
- **ATF** savvy, wt exp, helped on some of that, **ATF** doing calls on LETS
- Various people fell into roles **ATF** dev. spreadsheets. Some traced mult-times, she's good at
- I think ev in Gp 7 had role. **ATF** from grp. 2 came over, **ATF** switched was F&F only case for Mac
- had just completed White Gun takedown - guilty plea
- She resp to LW - P/A taken, alarm issue
- 99% time on F&F

English?

- 99% time

How abt. other agents?

- prior to wire, 50/50, 60/40
- during, Mar-May, higher, shifts, 5 days out of 7, prob 100%
- then GRET - drop off b/c add'l bodies
- people always like having own cases

So when wire up, all time?

- well, ~~before~~ wire before quit

What doing

- surv. wire room.

- **ATF** - liked wire

So Mar-May, typical shift

- 5 agents per shift, two 8-hr shifts
- 10-4, 4-midnight
- Quickly realized no act @ 2, that one big 10-2 shift better

When shift come?

- Apr?

What were agents doing?

- All S doing surv

How many susp track?

- tracking one w/ S is diff

You have S on one?

- try to

Takes that many?

- Struggled - that wasn't eng

When ten

- well, if one, 8 on susp, 2 on Stationary  
rer

- but mobile surv on people this surv  
conscious - that's why used plane

Plane?

- Phx police dept

## ATF

you mentioned DOJ strategy on cartels?

- yes

[Ex. 17] - **ATF** email w/ Sept. 8, 2010 ATF Cartel Strategy

Is that what

- this is one of them or version of it. I think <sup>maybe cover memo?</sup>  
strategy is longer. Certainly consistent.

When early pt?

- I had abt in 2009, think was ref. as 2008  
document

[Ex. 13] - DOJ cartel strategy

Recall seeing this in 09?

- yes

who provided?

- before Phx. in St Paul. OLD ATF case. Rio Murkin

- became aware of this then. ~~th~~
- remember seeing as part of that. Prior to Phx got emails from Gillett saying fam. yourself

On first page - strategy - "reduce flow... entering Mexico" - cons w/ your rec?

- Yes

"Incr. intell... → most sig orgs." Also cons w/ rec?

- Yes

P. 7 - Attacking SB flow - merely seizing thru int. will not stop F/A... cons w/ yr und of strat?

- Yes

Anything in this that dir you or agents to forgo interdict when lawful auth?

- No. I don't think we didn't seize F/As when had L/A. We seized hundreds in this case.

Anything in this that dir you to cut off surv early

- no, not that aware of

Anything in this that dir you or agents to forgo arr when had lawful auth

- no, not aware of anyth. Said not to arr people.

Fair to say # of F/A increased?

- <sup>they</sup> continued to buy guns thru course of conspiracy

Ex. 19 - HOGRA ATF 908

Number - 548 - total #

- think reflects total # entered into suspect gun. This basically guns we were aware of

Fair this was # these susp purch you were aware?

- Yes

Increased?

- Believe so

**Ex. 1** - BP of Jan 8, 2010

Says 650 F/A - so ballooned

- cld have purch more or we cld have jus become aware of

As this number increased, why not aff arrests?

- b/c working w/ USAO, needed ev in form USAO comf in obt conviction

**Ex. 14** - HOCR ATF 1348, Apr. 13

Says statements made re: ↓ MX - w

- we needed to prove our susp had same lcn. as these susp. Many links in the chain. USA aware of this, that wasn't enough

You've been asked many times abt. **ATF**  
→ # of F/As

- yes

You were asked if ~~it~~ arresting him would take him out.

- I ag if USAO ag P/C wld take him out of network, if ind<sup>icted</sup> can't buy, but ~~no~~ <sup>w/o</sup> indictment, can't prevent sales

- org may recruit oth not aware, in some ways hinders

If cld have arr **ATF** wld?

- if cons w/ USAO, dec made, wld have?

You didnt get <sup>max</sup> dir?

- we didnt get dir to lawfully arr him until indictment

- big deal  $\approx$  happened twice  
 This was big deal?  
 it's embarrassing  
 - w/usto submits  $\frac{1}{2}$  denied, not viewed fav by trust warrants?  
 ATF  $\rightarrow$  5m. Judge said not PIC.  
 You mentioned 2 occ where denied search

numerous disc. abt this.  
 - discussed w/ Newell, w/ USAO. we had endless  
 vetted all way up - legal intrp?  
 - I believe so.

So you think disag. abt legal intrp.  
 disagree, but was vetted all way up  
 level, above mine  $\frac{1}{2}$  theirs. They can  
 get circ, wasn't dec reached @ that  
 - maybe else where in country, in Ph,

- legal auth disc @ length - we have to  
 defend to USAO  
 - I don't agree. Diff people can have  
 diff rec/ops. Having both parts USAO disc

- That's open my rec  
 what's your view?  
 Agents test they bel had legal auth, dir  
 not to. your rec?

ATF

- we are bel. so

So w/o ATF, not keep getting #/A

ATF

- believe so. They were sent. bring in new Strauss  
 most active Dec-09

replaced?

- no, org wld continue

ATF

- we had hoped wld happen in Aug timeframe  
 wld have given net?

- empty kind of bore on his shirt  
When?

- later on, June/July/Aug  
Dev a lot of your case  $\frac{1}{2}$  even AUSA had  
out ev. ev?

- yes. It was very disheartening, emb.

- He was lamenting reputation

Who @ ATF briefed?

- perhaps Needles

SAC Newell?

- not sure - I've mentioned to him subsequent  
rest of Grp. 7?

- yes, they wld have bn prep to execute,  
then told to stand down

Phx/Glendale PD often do stops?

- Correct

To prev showing feds inv?

- Correct

@ some pt ATF does become inv?

- Once secured, can go in w/o police  
marking, but have to ID self  
as police if doing stop, but once  
secure can just seem like on-scene  
det

Who wld go?

- **ATF** hope to be in int

- In ev instance, would ref to talk  
or have excuses

Case agent resp?

- They wld have prof

Ever delegated?

- Cld have if busu

# ATF

When your agents did traffic stops, wasn't practice to take suspects @ face value?

- of course follow up Qs, but never worked to unravel conspiracy. Wld lie in all kind ways.

Didn't give P/c?

- no, b/c w/o divulging wire - you just have someone w/ story that doesn't go fwd either P/c or seizure

- we had people call us and ask for their guns back

You were asked whether you cld have "jammed up" <sup>shot of pros</sup> what take to mean

- as I interpret, wld mean, interview, seize, warning letter (dealing w/o license), put on notice we're watching.

Constraints

- can't seize w/o lawful authority

What is lawful auth?

- corpus delicti...

Could you seize guns w/o charging?

- that's what doing w/civil forfeiture
- legal mech to take w/diff burden
- doesn't preclude crim charges

You dev this in course?

- Yes, was frust

What happens if agents cross legal line?

- termination, lawsuits

Is that concern?

- Yes. We have to act w/in ethical standard.

lots of purch legal? You have to be mindful?

- abs. - ATF in past

Elab?

- Richmond gun show. → had to give guns back

Can you build case on pattern of purchases?

- I don't think so, don't think USAO wld charge  
Even if ended in MX?

- hurdle - can't intro @ all ~~stage~~ to USAO

What abt next time ind. goes in to purch

- well, we think makes susp, but - my  
assault weap ban ex

- we have to dem. intent spec to weap &  
spec to purch, and have to dem chm.

intent w/ each specific purchase.

When indict. finally came down Aug, susp  
coop?

- Yes

What think made them?

- I think array of charges levied, vast array  
So lot more than lying/burining?

- Think so