

Transcribed Interview of Mark Chait - 7/20/11

Steve: TI of MC. Requested by chairman. Title?

- Asst Dir Field Ops
- Who here
- CDavis
- HKern
- APinto
- Cummings
- SLindsay
- JKim
- legal intern, Valerie
- Grassley
- OFoster
- Dan Marhini, legal clerk
- Leahy
- Chan Park
- From Don

ATF

ATF

- Molly Gasbon

Hr of que questioner, hour of other
Want to be sensitive to ongoing inv - you
can answer, but flag that sens. If too
sens, can go off rec & talk abt that
Classified info - try to talk w/o going
classified

Best & most complete recollection
Truthful to Cong - und?

- Yes
If don't remember all of something
tell us what you do remember

Scott: Flag sensitive info on record.

Steve: Melson in, has respect for you & Hoover.
Heard you were int. in exit strat. This
isn't inv. into you. Want to say at
outset.

Carlton

How many oth Asst. Dir's?

- abt 7

How rept to by?

- 4 - East, W, Central, Ind op

How report to?

- dep dir

Int. by IG?

- not yet

Rev documents?

- case file, my emails, docs put tog on case

- prob. month ago

= want to learn things I don't know to help org
Must try to determine.
How fresh to you

Ex. 1 - Art. from Center for Pub Int

March 3, 2011 - Chart quotes re: changed strat

- I approved Cartel Focused Strat. It's 30k ft view of how to move fwd, make diff in FA Traff $\frac{1}{2}$ via crime. I approved that doc

Change from prior?

- Change was focus - to bring info tog - inv & trace info. Many smaller cases in dif div - look at tog \rightarrow organization. Share info.

- not tactical doc. Made sense - lots of one person cases - commonalities to pros together when decide?

- doc worked for ^{cal of us}

- OIG rept - crit! for work inds. May have aff to small ext, but seeing ind, opp to work cartels that lined up w/ inv, recovers, field divs don't tell them tact

- tactics are ground level

- Strategy, good idea

Who came from?

- big movement to work orgs.

• ONDCLP counter narc strat - ch. 7

• DAG strat

• OIDE TF focused on strike forces

- OIG telling us ind
 - our own intell, seeing that opp.
 - whole of gov. does make sense when
- So this doc needs tweaked?

- I'm honest proker. Nothing forever, felt shld take look b/c called into @ who?

- media, in general

Why? Only board 6 mos

- part of this... f/f inv.

- seemed to be thought case was strat. That's one invest. in Phx. This is 30k ft.

I'm conf. - This art in March 2011 - timing?

- don't know answer to that

But you tht tweak?

• tht time to review

Let's talk abt. gunwalking. Cartel strat is 30k tactics on grd. Allegations of ff - do you bel gunwalking occurred?

- term loosely used. Were transfers from legal buyers to non-proh. that did occur. Were you aware?

sure

You mean prohibited persons?

- No, non - most peop in case non

So ok, transfers from non-pro pers to non-pro pers legal?

- dep on state law, etc. may be

- if talking long run from non-pro pers to non-pro pers, legal

You do know what happened in this case?

- not sure I have info on who pro pers are?

You said most transfers were to non-ph pers

- Most subj are non-prohibited persons. You agree there were transf to proh pers? You watched testimony at hearing?

- did watch. Don't know answe to q. Small number of peop were prohibited persons

Did you take

Steps to inv?

- yes

What?

- put memos out to tighten policy proc

- first - DAG had comm. w/ USA

- put out doc to our peep prof, telling to take hard look - citing ATF orders
- doc. on deconfliction, asked to place subj. into N-force & techs (?) used by agencies to ensure deconf.
- just rec^{ntly} put out...

But Inv steps - allegations?

- we brought in grp of folks - task force to rev dozs, talk to ppl in Wash, to gath info for us
- I'm 5 layers from grid - learned lots from review

What learned? [Abt. transfers to 3rd parties]

- I'm not sure who pro^{hibited} parties are. were transfers

Names?

- don't know who pro^{hibited} parties - if they were rec

Steve

Say guy transfers^{in best way lot} to another ag - a prohib^{ist that lem} b/c buyer just bought, filled out that for him?

- You'd have to prove. Law we have to deal w/

- AZ diff - 9th cir, diff prov

- 924(a) - lying

- have to look @ each ind.

- Can we ^{know and} talk? Always. ^{Are we able} Change? depends.

You agree talk to - ATF respons^{ibility} rather than worrying abt. pros

- Those dec. hv to be md on grid. Can stop/talk anytime.

- AZ = arrest/seize tough. You can t/c anytime, grid dec. ^{strategy}

You are aware of

ATF

- Yes

Two gun?

- don't know ex. #, close

So if **ATF** buys, cash, agents watch transfer, next day ^{set up} crime scene in MX. Next time, do^{to} ask abt?

- dec. made on grid. Hard part is, env... you can always

ATF

- don't know
- Would you approach him
- easy to go back... have to look at env & info @ time
- still think have to und env. You can talk to anyone - doesn't stop them
- Anyone talked to?
- think some were, don't kn when
- You briefed?
- a few times
- When first heard?
- OSTI - recoveries in MX
- first inv. type - when **ATF** came in
- OSTI?

- briefing on recoveries in MX, not just this inv. Helped w/ thoughts on strategies.

If there's case w/ 42 guns, t-t-c 1 day, concern?

- sure

What steps

- dep. on info - where/who back to? Open inv?
- Say open inv, 42 guns, all one inv, 1 t-t-c, transporter says guns to Sinaloa. What technique
- often more to than that. Rely on field div, daily inv. eff. Needs to
- methods, dec made on grid

Two weeks later, 40 more guns → inv. Still trust field? What do to

- we still need law
- don't know if knew how crossing board
- still issue w/wheth charges can be brt, work w/USAO

You didn't do anything?

- The issue of straw's is a large number. I trust folks work for me to inv, work w/USAO to charge, seize when lawful
- A2 very diff b/c of 9th cirz, dir. verds from cirz vts. Some

Opports, dis?

- transfers from A → B. Whether old or old hot

No RS based on MX recoveries, str
- totality of info. Hard for me to help make
grd dec. when became OLDETF, team

- looking @
- feeling needed
- clear & conv. evidence

McMahon - in his int., felt mistakes made - agree?

- we cld have done diff. things -
- closed earlier

- any complex case, & look back. What seem
like small

- should have closed earlier, addressing **ATF**
cld have bn done. Don't know if he wld coop,
if cld charge. Always risk in stepping to
someone - can go elsewhere, circumvent

- not sayin.

But you were aware - lots of guns

ATF @ HQ

- we were aware lots of people in case
- some thought was lots of peop → lots guns
- we were conc - why asked exit strat
- knew also OLDETF team

Seems 3 ind. **ATF** lots of guns. Thought
of talking to

- dec. made on grd

Concerning @ HQ?

- don't know of ind. Collectively saw need to ^{Shu} do _{ex}

When?
- asked for exit in March

No ind?

- can't recall

Concern abt strat?

- bel. was OLDETF strat - techniques to go
at org & was to try to attack cell, stop

ATF rather than rep. straws
never?

never recall that.

Steve Martin?

- Steve did, after some review, mentioned
said at earlier meet, I don't recall

- who had concerns at come pt.

Jan 5, 2010 brief - OSTI, 685 guns. Our and you
McM **ATF** Martin - grave concerns. Recall?
- don't recall meeting, but do recall shortly aft
asked div... we should have had intel & inv.
body together

You don't remember **ATF** / Martin exp. concerns
You, we're told, had no response. Do recall?
- don't recall

But you do say shld hv had intel/inv peop together?
- we shld, as org, do that all the time.
Ever pt were bad?

- Believe when **ATF** came in.
Details?

- he and ASAC handed out where in case, briefed
us - McMahon, me, **ATF** Don't rem. if
Steve there.

Howver?

- don't rem.

Cooloy?

- bel. may have been.

Who is he? Why?

- AUSA from CRM. Trying to bring tog. like
investigations, trouble pros. cases.

- Melson sugg. take adv. of attys that
might be avail - **ATF** to look at inv.
to see if dd help. TX

- Bel. Joe sat through brief.

- Looking for help bringing cases together.

Rare occurrence?

- prob, but b/c Melson eliciting their supp -
in same timeframe.

So all in room together - what concerns, focus,
results?

- remember getting briefed.

- don't remember if app OZDET yet

- AUSA working closely w/ them

- agencies coop

How many guns

- don't recall

1076?

- trust your info

Other case w/ that amt of guns?

- don't know, we've had other cases w/ a lot of guns

Turning up in MX?

- don't recall

Exit strat in March → meeting

- around then

Ex. 2 - Exit strat. H06R ATF 1173

disc as lowest ring ATF

Ex. 3 - H06R ATF 2451 - email desc. Patno as primary target

ATF

minimal impact b/c lowest ring

But then

ATF

primary target

Was

ATF

lowest ring of primary target?

- not sure what

ATF

- think he was imp. susp in this investigation

Seems to me doesn't match up.

- don't know who wrote exit.

Who wrote?

- assume from supervisor.

ATF

Have heard

there were sev. versions of this, don't know who wrote final.

So May 3, 2010, makes way to you. I've seen your emails man

What did you do w/ when got?

- to make ev. aware time to close down

- not sure if fwd on to Hoover

- my dep. resp for that field div. Obv, delays for whatever reason.

- I've heard delays -

ATF

prep indictment

Process for

ATF

- field walks w/ AUSA. Goes through... think change

- she goes through our shop

Who?

- McMahon

- Bel. process is to go to DAD's

Then

So in ATF process, you're out of loop?

- yes

Ever seen?

- reviewed since - for going fwd as or

How successful?

- helpful to an extent.

- fact had to go up many times, changing phones -
Challenge

- was helpful

So if told you - WT, 3 months later, only 4 more

- still open, more to follow, more subjects
indicted

Jason

When did you read

ATF

- wld say last couple months

Before March 3 CBS?

- don't rem

How obtain?

- bel. got

- file we keep on affidavits, had b7c tome

You asked?

- I wanted to see b/c hadn't, sometimes hard
to und. inv from ROIs

Before or after CBS?

- don't remember. Wanted to read docs to
know wht happened, go fwd

Before or after Feb. 4 DOJ letter?

- prob after. Nothing pushed me oth than wanting
better und

Anything jump out at you?

- give you more holistic view of what transpired.

- just got better understanding

Lead you to be more/less conf abt. denials?

- I don't know thought abt. Dept response

- enlighten

But denials - ev eff made - you agree not true?

- there's things cld done

But WT - ev eff not made.

- have to look @ each instance.

- not sure in that dist, cld seize guns

What does "Step to" mean? You've used term a few times.

- [knock/talk, interview]

Henry

Transf from non-p to non-p legal?

- In AZ as I und, legal to buy & sell, as long as not pro.

What is your def of straw?

- Someone who enlists 3rd party to buy gun, lie on form

Straw purch is illegal?

- illegal if can prove
Not talking for proof?

- yes

Exit strat - 3rd bullet - Sugs you knew were buying illegally?

- the term is overused. We all peop we think may be straws.

You knew were

- wanted b/c it was true

Wanted b/c too many guns?

- part of it

You knew **ATF** straw. These are straw purch, that's why

- odd thing in that dist - 922(a)(6), 9th cir. case. Diff env. Not saying or did was right, cld have done diff

- in other dist, use that charge, or state charge

- hard thing is,

Wasn't whole pt to allow to buy/follow weapons => up chain, so wasn't **ATF** welcome, b/c

- to me that shld no

Wasn't that pt? Allow to buy as many as

- I don't bel. that's intent. Were trying to ID leadership, \$, carriers

But how ID when stop surv. **ATF** OSII
trace is next

- I'm saying I don't bel that was **ATF**

But tactics

- some of those things may hv occ

But **ATF** 700 guns - what purp?

- for on
- obj. o

ATF

- one complexity in this case - borders. In US, traces easy
- theory that traces were way to do - not efficient
- premise was to stop cell, not straws

~~Steve~~

ATF

11:19

Going back to Cartel-focused strat. Were you inv. in origination of idea? When come abt?

- Was. When we were seeing large #s of recoveries in MX, working up Cartels → field div. Intel, info flow

Timeframe idea began?

- believe doc came out in Sept - worked on for at least 3 months.
- enhancement of Gunrunner strat

Partial resp. to OIG

- believe, don't know exact timing.

Feedback before final OIG rpt?

- I believe so

Who else in ATF involved?

- our FAs division, Int. office, OSII.
- sev. components reviewed, to make sure applic. across bureau

Did you ever discuss what field tactics wld be emp?

- we may have talked abt, but doc is not a tactical document.

- mostly focused on US side, people may

Doc doesn't disc. tactics, say how to cond. inv. in line

- intent not to... tactics are decided on grd. We did not tell them what to use

What tactics did you discuss?

- Normal to talk abt when dev. strategy
- Eg, straw purch. used freq, one area felt needed to pursue.

- We don't say that ev. case need to work org. They need to decide. Some cases, might need to work just into Dason

Did you or anyone else discuss non-interdiction, non-surv, gunwalking?

- no

Did you ever previously discuss those three strategies?

- not that recall gen.

- gunwalking term don't think I've ever used, prior

- seems like has evolved to include anything that could possibly fit

Agents - controlled delivery/non-interdiction of gun suspect or by PC to think purch illegally

Did anyone else @ ATF disc gunwalking?

- not to my knowl

Huover? Melson?

- not to my knowl

Anyone from DOJ?

- not to my knowl

What were DAG's efforts → Cartel strat

- memo trying to bring together components, ODETIF to bring tog. cartel inv

- think that was to bring all res to bear v. threat of cartels

Inv. in DAG strat?

- think we had piece, don't know if I was...

- doc sent to comp

You read that doc to mean ATF shld use non-int?

- no

So if tactics were emp not auth by DAG, or in ATF strat?

- correct

Did allegations surprise you?

- yes

Why?

- just hearing that may have occurred was surp, needed to find out if true

Believe?

- bel f/As transferred to oth, mostly non-p, surv did end @ some pt

Strategy? Resources

- think had to do w/ lawful auth/ab. had to seize/arr,

- in most cases, 2 non-prohibited people
- Desc. 9th Cir opinion - how affect ATF ability to seize
- Moore case, one req. is that transfer at end of day has to be to a prob. pers
- hamp our ability - normal straw purch charge
- other places, can use state charge

Did you have disc. abt. legal guidance from USAO?

- Yes, Patrick Cunningham - he explained they need foundation to arrest or seize F/As
- They've had sev. directed verdicts - one case ind. had sold 400 guns, judge felt was hobby - very diff. env for us to up and common straw purch charge

- prob. most diff. dec agents make is abt.

transfer from non-p to non-p
At what point does it transfer to ill?

- looking back, that's one area concern me part of how case run - who is organizer → traff

So non-proh. to non-proh. pers - what avail charge to organizer

- one thing is we have to est. crim intent
- may be a conspiracy - depends on hand v. long guns

Is dealing w/o license common?

- can't use for one time, hard to prove
- livelihood, profit. Do use, but take time, have to show over time

June 15 hearing - **ATF** F/A traff. statute helpful?

- absolutely
- would eliminate grey area we op. in
- we use series of sideline charges b/c there's no clear charge
- rely on USAO

When did you hear of F_{1/2}F?

- prob and Dec @ OSII briefing

Do you recall Jan. 5, 2010 meet @ HQ?

- Marsh?

No, the Jan meet.

- know there were a couple OSII briefings...

March meeting?

- remember b/c of the ppt.

Do you recall what concerns @ March meet?

- don't recall concerns at that meeting?

Mathn, Kumar - concerns?

- don't recall

Origin of exit strategy?

- in middle of march, think was talking w/Itzaver, both felt needed exit, passed on to McMahon

Req. from Itzaver or you?

- don't recall who ordered. Think was kind of together.

Why discussing exit?

- seemed to us there were a lot of guns

ATF

but also obstacles.

- exit give time to get things in order

~~but~~ wanted in March?

- correct

Received May?

- yes

First time received?

- yes

Time lag betw. req & rec

- yes

Explanation?

- don't recall if was

Concern you

- don't remember at time. Obv. wld hv liked to rec sooner

Rxn at time?

- was that had game plan, fluid, that on long side wld be 90 days

So in May, still wldnt close until Aug - reasonable given concern abt. # guns

- we were looking for way to get out tht allowed for pros

- lots know now that didn't, diff to go back

Did you have follow-up?

- don't remember that did.

- DAD wld handle in normal course. One out of 25
Sold div

Were you engaged in closeout betw. May & Jan 2011?

- I was monitoring on timeliness - specifics for deputy, field
- emails of me asking, b/c was hoping July/Aug, my imp

Discussions w/Hoover? Was he sim anticipating?

- I believe so

Did he exp concerns abt exit strat?

- not tht recall

McMahon?

- not tht recall

McMahon - concerns abt ^{Phx 7D} ability to imp?

- not tht recall

Anyone at HQ - conc abt, reasonability?

- not tht recall

You relied on this

- I rely on the people. Doc serves that as clear that there's plan

- ~~also wa~~ other part - successful prosecution

When did you first learn not on track w/exit strat?

- Two things impacted -

ATF

and other prep work for prosecution

- Most operational work done a little

Upon hearing of delays - what do?

- tasked McMahon w/updating me after this

- I was being asked - Hoover, maybe Nelson

- McMahon called Newell,

Signal that time to get moving?

- It was. Newell many conv w/ USA as well. Team effort. Many requests hoping for dates/times

But case cont. to drag

- We can't close up until ind, can't rec. Stop act. until wrapped up, guns seized

Steps to mitigate flow?

- bel. they began to use seizure warrants

Did you bel. seizure warrants sig. step to stop/slow?

- Think it was a step to do so

Did you enc. any other steps?

- Do remember sending Newell email abt The folks pending indictment

- Bel. McM may have been aware

Did Hoover/Melson ask abt. mitigating?

- don't recall. If I was thinking it, we had a lot of thoughts along the same lines

Some ATF officials say main goal is public safety - ~~was~~ this seems to be safety concern

- still think they need lawful auth to seize
- always can talk to ppl - w/o being on grid, when was right time?
- safety most important thing
- some things we've talked abt today, I didn't know then
- they're op. in very diff env
- sometimes might have to make considerations, spoil opp. to go for op.

Did you trust Newell, **ATF** etc to take public safety into acct?

- I trust the people that work for me.
- some policy changes

Did you ever get into weeds of their tactics?

- no

Your role?

- No. we have 40k inv. Have to rely on my people.

- Rely on ASAs

- Don't get into weeds, don't feel that's my role

Hoover/Melson - ask abt weeds?

- bel. only higher lev

Ask abt stepping to/int?

- don't believe so. Dec. made in field

Should you have asked weeds?

- wld have been able to make strong sugy
- case closed earlier
- prob. people cld hv stepped to - hv to be on grid to know when

Ex. 2 - Exit Strategy - p. HOCR ATF 1179 /

Patrol lowest on nina, **ATF** able

Suggests ev. to arrest **ATF** - your read at time?

- not sure what interp. was at time

- in inv, working w/ USDO, if opp to intervene we do

- handled on ground
- You said impeded to bringing down earlier, lack of ev - but this sugg. there was
- not sure this shared w/ AUSA at time
- agree w/ you what it says, ~~what me~~ was that your und @ time?
- not sure how took at time
- on face, sometimes... I read it same as you. Don't want to read into other than what appears.

Ex. 4 - HOCR ATF 2416

Emails betw. Newell/McM, Apr. 2010 - re. exit McM says wants exit, Newell - "sensitivities," media scale

Suggests Newell wants/needs link to DTO to get pros. Was that link necessary?

- don't believe so
- You said impediment to taking down - ev.
- I wld be concerned abt ev. Less conc abt how far can go. When time to take down, Newell is waiting for link to DTO - is that strat indicated here, Was that your und what necc to bring down?

- no. we reached pt, th
- to cont for this purp, out of scope what we were think

McMahon bring to your attn?

- don't rec. Think clear, from my conv abt bringing down

That wasn't cont on link to DTO

- clear time to close case w/ whatever charges cl'd make
- time to exit

Fair disconnect betw you/HOOB & Newell und of exit meant, by this em

- by this em, yes
- other emails, I think in July, I tht coming down - was asked abt. add'l resources - still thought aethn done b/c July

Ex. 5 - HOCR ATF 2454

Email betw. Newell, **ATF** July 14 - w/in 45-60 days of takedown

What is 924 w)?

- using F/A in narotics

Think he's still making link to DTD?

- emails can be diff to int

But fair to say disconnect?

- I meant take down what we had, which still had layers

Did Newell (USAO) take down as you intended, to your sat?

- didn't get done under timetable we had

- we were looking at inv, but rely on SATZ

Change your view of delay

- may cause me some pause

Not aware of these?

- haven't seen

- I don't like emails. Ha

- diff from course w.

If Newell had said want link to DTD -> discussion?

- abs.

- if folks want extensions,

- we felt v. strongly that at that time, time to exit.

Jason

One thing we're looking at is who knew what, when. When did you know corp. FPLs were ~~not~~ prov. real time info?

- after your inquiry

You didn't know from briefings?

- not to best of my rec

ATF didn't?

- I don't remember if he did.

Do you recall how you did learn?

- Don't remember if told prior to case being questioned.

- My granularity, I wasn't in weeds. I know a lot more now than I did then.

How did?

- Bec. aware once started reviewing, after first letter
- Not after Terry death / before out letter?
- Don't recall. Know upon review of case, aware now

What was your rxn? Change your persp. or MX rec?

- Guess I thought... we have many FFLs that coop. I became aware of it.
- It's a technique they were able to use.
- I read ROIS, they had a coop. PFL.

When did you know FFLs prov. contemp/advance notice?

- did. same time, upon my review of the case
- I didn't know

Same w/reg. to purch being put into SGD w/in day?

- most of my kn. is from review, wld't be during best of rec, and Sam

And PFL concerns → enc to com

- and same time, upon review

Obj from ATF agents - obj. to tactics

- from hearing.

June 2017?

- Yes, around. Didn't kn issues w/surv.

So you didn't know these things at time - FFLs, SGD, - don't these raise concern for you, whole diff picture?

- first thing is when heard abt. agents complaining ^{that's problem}
- wish I knew at time
- don't think that ever came up food chain. wld have liked to add. it.

Ex. 6 - Email chain, Oct. 27, 09, SWB Strat. Grp Meet
Conf. call re: DOJ strategy

Seen before?

- Did see it, aware.

Who contributed, why, etc?

- It was Dept initiative. To my rec, may hv bn in working grp - worked in office of director. AUSA ED VA

- He is a lawyer, but think he was an asst to Dir. Supp Dir's office

ATF

Interaction w/ DAG?

- prob some, interaction w/ DOJ in gen
- DOJ best to answer abt. ~~disc.~~

First you heard?

ATF knew there was work grp

ATF

- very possible, he was SWB coord
Who else from ATF?

- don't rem if oth peop

Were you part of wg?

- not that I recall

- I remember with a doc, sending to field

- V. poss **ATF** part of it. Other than that,
not sure

Were you part of disc. in 2009 abt. putting
together doc like this?

- Recall discussions, talking to Ken Melson abt it.
Think someone else there... importance of it
being prosecutor-led

Flyn to OIG?

- ^{don't think so} was just, many diff agencies w/lt Castels, et
to bring together

Do you recall conv. w/ Hoover or Melson abt this doc
as regards straws?

- don't recall

Disc. w/ anyone @ DOJ w/lt straws?

- doesn't come to mind that I did

If someone said disc. abt new strat in 2009, telling
peop not to focus on straws, and that ATF leadership
asked for paper before implementing

- not 100% acc. We can never turn away
from straws. Strategy says may be case where
have to go after straw, not org

But in terms of shifting focus from what before,
to new focus - this is new

- It's new strat, but what really to do,
and can be done, being done - theory that
if you have ind. straws, how bring them
together. The problem is vast. Straws, in
8 hrs, they got another one.

- 2009 CRS report - ant theory,
- You have to look at both, make informed decisions on ground

Summer/Fall 2009 - discussions abt. straws w/ ATF/DOJ

- don't recall having those other than what mentioned
So earlier, I said ATF wanted on paper

- That may have happened, I may not know.

P. 7 of document - "merely seizing through interdiction"
Recollect who drafted?

- I'm not sure who drafted

Agree?

- I agree w/ it

- Balance betw interdiction, investigation, pros

- In our strategy, talk about that

So you agree that straw purch aren't as imp as network, not?

- that's your interp

- to me, they're correct. You can't just int

- Straws on border not afraid, paid well -

can't win war with any one of these things

Isn't it true that someone in field given this, from DOJ, would log. imply that ATF not going to act on info abt. straws as quickly

- don't believe so, don't believe that happens

Do you believe in this case all straws to cont to op in serv of goal of IDing org

- not seeing that in this doc

Isn't that what happened

- straws were allowed to be a presence

In service of goal of IDing, trying to make link to recipients

- goal shld also be to interdict where had auth

- I think they seized where they & USAO thought had auth

But also failed short of pros - as consent search, checking addresses - **ATF** got

- corr

- We know what happened now. Those decisions have to be made in their framework. I think there are

Ex. 7 - ATF Cartel Strat

P. 11, 3rd PP, "however straws → larger consp, exp. in furth. of ult goal"

This is the doc you approved?

- Yes

Similar lang to DOJ strat?

- It's similar

So again, strategy of [forgoing straws]

- first sentence - will cont. to be pros

- need balance - cont. w/ straws, but wld be disservice not to try to make connect. to org

Ex. 8 - BP ("briefing paper II") - Jan 2010

PPB, "currently our strat is to allow"
Seen?

- Since inquiry, don't recall seeing at time who wld Newell be prepping for?

- minimally his DAD

So to McMahon?

- wld assume, unless for USAO. wld have to ask Newell

What your rxn to "currently strat to all" - seems to suggest strategy

- you'd have to place in time written, few wks after case op

Jason 2 1/2 months. after opened.

Steve A lot of guns @ pt

- it causes me pause. Not much I can tell you.

- addressing in policy

PP 1 - grp purch 650 guns, cash \$350k - allow - aren't they just following the strategies - The org

- I think they were focused on network.

- When we ID'd peop, certain number of guns these guys had already bought

But these 650 - entered into SGD contemp'

- don't know if were

Steve Think they were.

You can look @ SGD today, right?

- Yes

If you do that, and ent. w/ 5 day on avg -

wasn't vast maj ent w/co

time learned something - more likely we know

- the # in this case continues b/c we cont to learn
abt guns purch w/a our knowle

Right. I'm talking guns entered contemporaneously
1880 in SGD - approx 50 before Oct. 7, 2009

- Abt 600 guns prior to us ID suspects

- Numbers prob went up b/c we're adopting
prog prior hist of these purchasers

But crit. is of after identified. So look at
FBI. You never saw before?

- I do not recalle ^{seeing} this doz before

You rev. doz prior in prep for today?

- Not just today, helps me - future of org

- I'm not happy w/ev I see. Making changes.

But FBI - isn't that logical tactic from stratg?
does they were given?

- as long as it's in balance

- pts to sent - "straws must be held acc" - we
can't let that go. Has to be in balance.

Hypothetical - weeks into inv, guns rec in MX,
same purch @ coop PFL, watch him buy 20 AK
goes to lot, transfers to unk 3rd party. Incumb
on ATF to surveil unk 3rd party

- dec made on gnd

Isn't that dec you wld make? How do
you know if 3rd party prohib pers?

- ways to do that that may not impact your
case

- hard, w/o knowing other facts

- things we can do to make ID

If you were gip. sup, you wld tell agents
to follow guns

- prob pursue person, w/o knowing any
other facts

Do you know of inc. like that?

- there may hv bn circ. like that

How hear abt. Terry death?

- may have been through email, day after
Speak w/Phx abt connect to F&F

- may have, don't remember

Did you have und. that Phx. concerned abt connection?

- at that time, don't recall how quick traces back, don't rem. if cam. by me or Bill, but sure, there's concern

Did you ask?

- They sent up 1 pager on background, I think I sent up to Hoover

Aware of concern those guns were walked?

- don't think knew enough abt. it at time, don't remember that they were guns transferred in our presence kind of thing

- my concern was, any time LE killed, affects all of us

- as I und, guns purch a few days before we were aware of purch

Ex. 9 - HOG R ATF 1935

So you say three days

- what I mean is, we found out 3 days later well, I think was faxed on Friday, entered into S&D on Monday, and FFL aware Avila came in w/ suspect

- from what I've seen, not able to arrest

ATF

St

On Dec. 17, 2009, meeting w/ FFL, ATF, USAO Purpose was b/c FFL walking, they came in to deny him then, **ATF** already buying guns

conc on Dec. 17, **ATF** buys Terry guns, FFL faxes imm. These are folks who had triggered conc. **ATF** lugged Emory

Concern?

- sure, way you're telling me. Haven't heard that way.

- take I get is different.

Did you know ROI recently updated?

- don't know if up

Know prepared after fact?

- may have been

- we shld never be in business of telling people to sell if uncomfortable.
- I'm still getting answers. I don't want us to be in bus of telling to sell - in fact,

Jason Program

- funded thru NSS. Don't know how much, quite a bit.
- I don't want/condon

Steve

So you should never have to bring pros in - red flag

And wld hope no backed

- wld hope not
- we're not in business of backdating

Ex. 9 - have you seen before?

Day after Terry killed, stats on recoveries. Newell fwd's to McMahon, says doesn't like perc. guns walk

After Terry death, were you aware of perc.

N

- Don't know what driving this - may hv bn medic

No press I know abt

- I don't know

So you're not aware of concerns Newell allowing guns to walk?

- No

First you've seen?

- ~~No~~ Yes

So you're not aware of concern abt. walking/ hot interdiction?

- didn't know until inv. done

[Scott]

Professional backgrd?

- ATF 23 yrs

- in current pos, May 2010

- Acting Asst. Dir since May 2005

- Dep. Asst. Dir - ~~Central~~ Central

- Dep. Asst. Dir - gov't aff

- New Orleans SATC
- You had years as STR
- Reading PA, 8 yrs,
- Time in SUD at HQ
- GS in Chicago
- HQ, program mng, field mng
- ASAC in Phil.
- SAC NO

LE before ATF?

- no

Ex. 7 - Cartel Focused Strat, p. 11, middle #

To your mind, this P did not auth/intend to imply non-interdiction? Fair?

- Yes

Foster asked if logical consequence field agents interpret it to auth those tactics - exp. why disagree

- this is strategy, high level, not a policy.
- around country, we have a balance, work up chain where applicable

Based on your exp., what does working up chain entail?

- IDing who straw is, going layer by layer
- Theory is to find out who funding/organizing Agents say in other cases, but not F₃F₁ is knock-and-talks? Common?
- Yes. Tactical decisions have to be made on the ground.

So when doc says shld be viewed as people to exploit in furth. of goal - did you at time in vision meant ~~that~~ knock-and-talks?

- cert. one technique that's available

B/c says "coop & assistance" - to me means vs. higher ups - fair reading?

- That's one tactic that can be taken.

Are you aware of straws coop. in this inv., prior to ind. & arrest?

- don't recall if we had stepped to them, don't recall if done through much of this case

Were you surp. to learn over course of inv. they had not been stepping to?

- at that pt we had a lot of things, clear to me, shld have done some oth things
- clear to me shld bn shut down sooner
- risk - if not coop, can cont. to buy unbekn. to us

So you wld agree strat does not proh. using straws as coop?

- abs

In fact encourages

- ^{Idea is to} elicit info from all sources. Dec. made on grd at the time.

Before indictments, you were not in weeds on tactics, PFLs, etc -

- farr estimation. That's not abnormal in my pos. Too many cases. I have peop who man

So when you briefed Hoov, Melis - didn't prw weeds?

- correct

Present when

- I think they learned when I did [after fact]

Did Hoover / Melson ever come to you w/ any indication they knew more

- not my impression they did

Any contact w/ Main Justice?

- don't think tactics wld have been briefed.

- not in the weeds

- only thing dept wld get -

but that's not really tactics

So info abt tactical mistakes did not percolate to you or above you?

- not to my knowledge

SWB strat doz, 2009, did not auth use of non-interdiction, broken Surv, gunwalking, correct?

- that's how I see it

Cartel Focused Strat - did not

- appears to be - what you're saying is correct

- This in no way prohibits interdictions

ATF

Not only that, doesn't authorize non-interdiction
- correct.

- all across country, balance

Did you ever authorize tactics to get a big fish?

- no, we would never authorize that.

- and, on p. 12 [Cartel Focused Strat], second full IP

Does this example, to your mind, describe F/F?

- That's for any major case. As says, "SACS must closely monitor"

So this doc, to my mind, warns against public safety concern

- it's all about the risk/reward. Pretty well laid out. Tried to cover many diff. scenarios

- Don't tell anyone what tactics to use. One size doesn't fit all.

In your opinion, does ATF have resources needs on Border?

- no. Problem is extensive. Case you're looking at is a sliver. On investigative front, on there's also industry operations front - ~~look~~ 110K FFLs, not enough to do it all. Have to be strategic, both on industry side & inv. side. Short on agents & inspectors.

- other pieces - N-force. Looking for future system, allow us to bring info together.

And earlier you mentioned legal challenges

- absolutely

Something brought to Comm - weak sentences for straw

- yes, 5 SWB USAs - US Sentencing Comm.

- trafficking statute would elim. grey if

Does lack of clarity hamper ATF's ability?

- to a certain extent, does

ATF recently announced demand letters on mult sales. Bel. helpful tool?

- I do. Wld allow us to be out front earlier in game. Wld allow us to see earlier on.

In F/F, ATF did have contemp. knowledge, but is that common?

- It varies. Do get a lot of help from FFLs. Not used to receive FFLs sending docs as rec as this case

Carlton

Seems like Newell reported lots to McMahon, but didn't come to you

- Some did not. Uses discretion

Does he still work for you

- Yes, right now. Going to be Dep. Ast. Dir in off of Inspection.

When/Why?

- Bel. Monday in Aug.

- Had vacancy, Melson/Hovner wanted to place Bill over there, exp.

You've said in March, time for exit strat. Why?

- Me or Billy, we just collectively saw # of guns, wanted

So inc # of guns that mand

- I think so

- didn't know then

At what #?

- don't think there was a number.

- they were trying to use

ATF

So nothing add't, no more PC twd d d, that comu

- don't think so

Re Public Safety?

- always have that conc

- global view, large # Ds that could be ind

- didn't mean tomorrow, was to phase out, work w/ USAO

You've said if knew then, wld rec. some other tactics. What didn't you know? You were getting briefings/info. Why didn't you sugg. tactics? Lots of gn

- OSTI briefings are recoveries - not inv. side

Did you ever check?

- I don't bel. I did.

- Prob. first briefing where that smewht happ w/ DV.

- That didn't rise to my level

But you knew in March, 1k guns, MX rec - what operational safeguards?

- I don't think this was biggest case at time

- OLC/ETF inv w/ heavy inv. by USA
- think didn't have lawful auth to seize
- did oth things have been done

Ex. 10 - ^{HQBR ATF} 1346 } Chat emails asking abt shutting
 Ex. 11 - 1170 } down - July, Oct. 2010

Why didn't you order

- needed to indict & arrest
- July email - auth these resources to help do that.
- The other document - preparation for indictment.
- When waiting for ind., can't tell FPL not to sell. There's not a no-fly list. My concern was waiting on

What were they?

- seizure warrant

Why not before

- don't know. Have to go to USAO for those.
- Not sure.

You ordered link analysis, or knew one existed?

- not sure if I ordered.

Ex. 12 - HQBR ATF 1887 - ^{ATF} ^{email} 1/2 chat ord by Chair

- I don't recall asking for it, but it appears I did.

So you trusted people in field, never ^{why} asked Bill Newell what strategy, techniques were?

- I knew some of the techniques ^{they} were trying to use. Many types of ^{ATF}

ATF

- There's a lot I know today that didn't then. Unf, I don't get into weeds in a lot of inv. Want these folks of St etc dangerous?

- sometimes where Ds how?

- not sure

Swamp if ~~at~~ at home?

- wouldn't

- case still going on, hope to bring other Ds to bear

What is your rel v/ ODAG?

- a few folks I mgt spk to on occ
- most comm wld be if acting for Billy
- have an ATF rep - Ed Siskel earlier, Jason W helped

ATF

- don't have ~~fre~~ com conv w/ Dept - most hand by dep

Why would you be

- normally not would have to be a specific issue

Ex. 13 - HDGR ATF 1175 - email to Ed Siskel

Why wld you have sent?

- believe there's another email
- had GRIT going on, were going to take Grnt and ease down e
- bel. they were look for DAG GRIT press conf, & I wanted to inc. F₁, F b/c thought wld be same time

This

- was prob asked by Billy to loop in plc of ev Lanny Bre
- only a few times
- I rem. one meeting, SWB/Gunner overview, prob. in prep of Mel F₁, F disc?
- don't recall that was

Steve

Ex. 14 - Jan. 8, 2010 BP - "currently our strat is to allow"

Ev. early on that some of info triggering case was from DEA wire - P₁ S - mentions coord w/ DEA

Last sentence - DEA, ties betw. Phx/Glendale and Sinaloa. To what extent - org. crime us

- def a nexus, link
- Indictees - drug charges too
- Some

To what ext. try to deconflict?

- well, ULDETF - should be sent to fusion center

What ext of comm in Phx

- wld think pretty regularly

when did you realize both DEA / ATF → Acosta

- in aftermath, learned of issues

- I'm not sure what DEA has in their case

What procedures to make sure DEA not after same net

- all ULDETF cases - names to fusion center

- in same space, conv

don't know enough abt. DEA case

ATF

working w/ two fellows DEA deported - aware?

- I'm aware of some stuff. we need to be careful because of ongoing invest.

- people's lives cld be at stake and this type of info

I'm not naming.

- I want to be careful

And the FBI role?

- I ... I'm sure you'll be able to get from them shld hv been worked out at EPIC

- bottom line - we put all our targets into system

IP 13 - strategy, it's clear, a strat. I'll represent to you that FFLs told ATF in advance. Plan was to ID net

- plan was to ID net to some ext. I agree w/ that part

- as far as licensee, your info ≠ mine diff.

Did you know FFLs advised in advance before transactions occurred?

- not on gran level

Even Newell seemed to think that was not good.

- I don't want us telling licensees

Have you seen emails from

ATF

- bel. I have

ATF

Ex. 15 - emails

ATF

Third page - Adv

requests

guidance to w/wheth to perform transaction

b/c out of reg proc,

ATF

says go ahead

Concern?

- It does, sure

If you were SAC, stop it imm?

- I wld

Did you know this was going on? Heard from other FFLs - regular, by phone. Concern?

- Yeah, I'm conc

- Not nec. a best business practice

That's an understatement

- wld condone

ATF

Cash - red

flag?

- the other side is lawful

I und - but there's a way to not allow Barrett

50 into ill comm that's not to allow sale

- We can't tell licensee not to sell

Can you share info - t-t-c

- we would h

Don't you think licensee wld wrt

- don't comm priv info on inv to licensees

- hamp by lawful auth

You're aware some licensees ID'd publicly b/c of leak to WP - re

- aware at least one in newsp

Can you und why FFL wld be upset ATF may have leaked

- there's oth tech

Do you und wh

- when they find out - T can und

We've learned

ATF

d give list

of susp ATF was not to sell, but ATF said, no, we want you to go ahead

- I didn't know there was this situation.

- Never heard of it before

~~When new person [redacted], first r~~

When new person introduced to case, reaction is wow lots of guns - **ATF**

ATF Dennis Burke, when did that info make imp. on you - lots of guns
- When we called for exit strat, that was it
- Whenever last info till that meet, sig change, was time

ATF March - OSTI - suspect & guns they had bought, mx recovery was that - the time?
- we asked for strat in March. I think it was a little later than brief, in

Sounds like when you & Billy became aware, had a discussion, said let's end.
- Shortly after **ATF** brief, we knew, got it done

- Not even knowing what now, it was time
- Also now had to get closed to pros
March - Jan. 2011 - ^{what} road blocks?

- largely issues **ATF** indictment

ATF seeing some other key thing.
- test. Failure in leadership. You and Billy tried w/exit; Dir. told us he notified DOJ to put brakes on public denials. Dir. also said plan to move out all sups - Fair?

- here's what we did.

- needed to prepare case, put Needles there

- needed people in DC, Newell was already

~~you're not saying this was coincidence, are you?~~
^{you're going to my} ~~not going~~ ^{to my} coincidence, are you?

- let me finish

- I selected -

- Brandon, leaders, people-people, Atteberry, Joey A.

- first was to take care of bus. @ hand

- I felt like I needed new eyes on ground

What did Brandon think

- ^{felt} some prob

Big prob right?

- ~~was~~ ^{there were} problems.

Did you know remedial ^{needed} train on PC?

- know he did a lot of things, I sent him an atty

- intent was to get what we don't know, take care of our people. Tom & crew have done very good job w/pp1, go.

- then made Tom SAC

- Needles still there

He's not an ASAC, he's working on case

- right now he is

Pleased w/McMahon's leadership?

- not sure what he knew

Isn't that his job?

- we rely on SAC

Newell overreported

- I don't know that

I'll rep to you

- I'm getting less, can assure you

These things you're learning - don't you think DAD/SAC should tell you?

- sure, we would have liked to know issues earlier

Is it a problem DAD/SAC didn't see unc?

- It's a prob if issues don't come up ch

They had resources, GRII, gip. 2?

- They did, good number of resources, Ev. case diff.

Have Sr. people at ATF been brought into loop by DEA/FBI - classified brief?

- we were briefed...

- we don't know totality of what they have, that's for them to tell

- SAC in Phx did have classified brief w/FBI

Brand 3-4 wks ago

- I did meet w/FBI/DEA

Since word of this out?

- Don't know

- I don't know all know. Just look.
Aware of sealed ind. you're being denied?

- am aware

Why denied?

- not sure

Whom?

- bel. SAC Dallas asked USAO.

He was denied?

- Yes

Who in it?

- Since sealed, really can't
was he denied b/c suspect not?
b/c not in custody?

- Not sure of reason

Was Champion given reason?

- Don't know why, can't rem why.

Aft you rev also under seal - F~~H~~F?

- not sure if still sealed or not.

But you ordered $\frac{1}{2}$ bit to you?

- the ones in our file

Were you on 6(e)

- yes

Others not aware of?

- no -

So you didn't review DEA's wire?

- no

Asked for?

- no

20 ind. def - most purch by small # of 20 Acknow

- sure

So if ATF knocked **ATF** out early on -

much big impact

- question wld still be, if you step to anyone,
not necc. going to stop them

- looking back, hard to say.

What is your pos. on disrupting v. watch/wait?

- Im add. policy now. Has to be balance

- Not all abt making cases, abt public safety

- fine-tuning memo - dynamics re: transfers

- trying to prevent swing the other way.
- if focus
- trying to find middle ground

But you wd agree tht when Patino guns → MX, can knock on door, and process - likely

- you can stop to guy any time
- have also seen people fearful to corp

But is tht then deterrents element, too - That straw told no ask?

- can be

So if 3rd time, contacted/questioned, don't think deterrent?

- we've seen both ways. Some, sure. Others tell you both to say, can continue.
- this is one of most dif areas agents have to deal w -

But you can do more than talk to can't you? Re:

ATF

- we need USAO to tell us can charge him
- But Jason's not saying charge, disrupt

- people real

But Fred Stam

- we would rely on USA.

USAO can't make case? Can't convince jury?

- depends.
- corpus delecti.
- tough env. Things that cld have been done diff.

- a traff. statute wd be helpful

St

What conclusions

- I take responsibility. I'm AD Field Ops. People work for me

Will make sure right folks running PD

Did you before?

- Can't know then kn now

- Changes being made

- Reason we're here - they took certain route, we will go ba

- Will not hap again, not on my watch

Talked to key players?

- brought in **ATF** Bill, Jim
- Billy, Ken - get arms around

ATF

first time as GS?

- correct

Why w/ such big case - give to him?

- Selected through assessment center, got there ^{as case started}

- what ^{ans} is addl oversight from ASAC

- heard **ATF** very good investigator

- things lined up way they did

- very good people in Phx now, fresh

Heard Newell **ATF** stressed personally. Think

can help them move on

- think so

Has DAG said can't reass

- had a few people held up, jus got app

ATF

branch chief in Arc. tab diversion

From

- lateral

Who else?

off rec

- Newell - coming to DC - not finalized yet - couple days ago
- Gillett - not finalized
- All aware - just doing documents

(all this in case)

How about whistleblowers?

- looking to help move one -

ATF

- ev. held up - wld be Billy / Ken dealing w/ Dept

So doesn't look like ret? Basis?

- don't know

So you have to ask spec perm from Justice?

- these 3, app. asked to hold

- moves largely at request of individuals

So normally w/in ATF?

ATF

- don't know... Brannon talking to all abt. desires

B/c these guys either dunce or fair
- have Tom talking to everyone
You agree need fair shake?

- sure

If want agent work, agree

- if req, wld try to help out

- need men & women on street

You agree - new slot, good sup, get going?

- put in rear view mirror

back
on rec

Steve

Castaway?

- can we go off record?

off rec

- sent team to Tampa

- dealing w/ license, no rec. in hand, no connect
to MSU13

- getting answers. Don't bet act in this case
happ in that case

- no straws in that case

Anything problematic?

- hope it's overblown

- lower scale

- want to get everything together

Willing to come brief?

- if allowed

* Check on briefing

Jason

ATF

- GS - talked?

- haven't talked to him

Back on

Jason

Rem. Grassley letter, Feb 2011?

- yes

That letter - folks talking to us

- in aftermath, learned. Guess meant compl. abt surveillance. Didn't kn abt. That.

But you knew from letter, serious concerns

- yes

Rem. conv. w/ McMahon re:

ATF

- yes

- Recall **ATF** went to see ASAC, had been contacted, was unsure/unconf, but framed that answers prov. @ higher pay grade

- unknown what transp

Your int. on eve. of 28th?

- rem. concerned abt. GJ info may have bn release

Reason?

- didn't know what released

- at first, seemed you contacted him, then turned out not - reverse

- asked for memo on what del, when heard he coming to you as WB, called it off

- initial imp was he didn't want to speak

Ex. 16

- Email chain - need info on what he has done tonight (Jan. 28, 2011)

- earlier email - stage set for this that he - way came across that he didn't feel should answer

But email - "need details tonight" -

- different business

Happens often?

- we're 24-7

To go to house?

- if reason to

life-and-death?

- not life-and-death

Did you suggs to McMahon someone shld go to house?

- didn't, know how contacting

Did you talk to McMahon?

- ^{I'm} Sure I did

Did you instruct McMahon needed that night?

- prob. talked to McMahon, said need, don't know if said tonight

- felt diff. that he cont you

Our pos that doesn't matter who reaches out, protected disc

- he seemed to feel higher office should answer

Ex. 17 - HUPD ATF 1266 - Alt / Mac post

Who's

ATF

FA chief

Why he on?

- helping ~~him~~ ^{us} get involved

Why Newell sent ^{doz} re:

ATF

- came to light somewhere, wanted to know what was

Newell bringing to your attn?

- came up in review, somehow

Know when posted?

- ~~und. see~~ not sure know when

- learned recently

Your rxn?

- uncalled for, leads one there's issues betw.

personnel. Why I need to see these things

Agree tenor is ~~concern~~ **ATF** of sharing?

- that op. of

ATF

I know what done to address conflicts?

We've had reports

ATF

arding 44735 - aware?

- think heard that theme

Heard comp abt. Prix not sharing info?

- most of it learned through review

Aware tensions betw. Newell / OST abt. info

sharing

- at some pt bec aware

In June 2010 aware?

- aware issue w/ database, during GRIIT

- shared drive - info not being share w/ OST

folks on ground

So info abt F&F not ent. to N-F

- not sure knew that then
- during GRIT - told weren't allowing those folks to see info in database. Wasn't per se abt this investigation

Did you see draft of Dept Feb. 4 letter to Grassley?

- bel. I did

Ex. 18 - Feb. 4, 2011 ltr from Ron to Grassley

Prior to this, review draft?

- bel. I did

See mult drafts?

- don't know - public aff

Don't think saw more than one?

- don't recall

Second P, second sent - ev. eff to interdict - in draft you saw?

- don't recall

- thought, I bel, was tht straws not trans to MX

That's first sent, I'm asking abt. 2nd

- don't recall if seen before

Think cons, w/ "curr. our strat is to all"?

- may be semantics. If weap purch illegally.
- I don't know context. This is legal realm, at what pt is it illegal.

If someone lies

- if someone buys for self, then decides to sell - not ill

- not writer of this document, think thinking

But you did kn all sale to straw purch?

- since we don't bel any straws look ac border
- don't think any straws crossed border w/ guns

You read **ATF** don't argue P/c did

Cross, don't aff detail border cross?

Justin

Do you have an ex?

Jas

I'm repeating representations made by Nelson. Based on your rec?

- I don't recall. Who seeing aff aq. Don't think case

has proven straws crossing.
- Wld rather look at doc. Don't know what you're ref. to

What steps taken to asc. wheth true?
- not sure of proc docs took, wasn't in loop
- occ sent drafts, bel saw one, don't know process

- obv. ATF/Dept. walked on in some proc
So as of Feb. 4, did you not take steps to determine whether alleg had basis?

- I think when felt had lawful auth, did interdict.
Clearly the message of letter is that this isn't an issue. McDermond said that in briefing, WB didn't know what talking abt

- guess depends how read.
- don't think there was anybody trying to mislead you

You made tech. comment abt. straws → hard; was this worded carefully to be tech true?

- don't know
- not trying to

Steve

Process?

- prob come through gun aft
- person in Dir. off, work w/OIA
- ATF initiate draft

Jasm

Phx USAO role?

- not sure if did

You didn't have disc w/ USAO Phx abt this?

- calls w/ Phx, don't recall this ltr

What do you re

- to get rid of lawful auth, issue of transf. guns, what USAO guidelines were

Who speak to?

- Conf call w. - don't know who in USAO, think DB, think

- Hoover, Melson me, PGA, ^{maybe} McB, prob staff

- don't bel. add this letter

This time?

- don't rem TF

At any time, disc. abt liab

- don't bel so

Wht abt FFLs?

- off record

ATF

concern, his concern abt liability,
safety, conversations - threat assessment
back on

So you haven't disc. civil liab for gov, FFLs, gov off?

- I have not, not aware

Two emails where - July 2010 - LGRR?

- can I see?

Ex. 19 - HUGR ATF 1172 - July 14, 2010

Ex. 20 - Chait to Newell, Demand Ltr. 3, Jan. 26, 2011 ^{"A"}

Theory that this motivating factor for case - support
for LGRR.

- there was no plan to use this case.

- I prob asked in July by front off if had anecdotal

- Demand letter 3

What is that

- wld req. not of mult sales of long guns,
sim to wht in place for hand guns

- was prob asked

- process in enf. prog & services. Just looking
for examples

- don't remember if even got anything back.

- don't remember end of this req.

- Happenstance - no plan

Aware of req. earlier?

- don't know if there were

In hindsight, now you're aware this kind
of reporting was occurring. You

- I bel. there was some. Demand ltr wld req
across board, timely

- App there was some contig. reporting

And yet, b/c of factors you've mentioned, ATF
didn't interdict.

- I think they interdicted when thought auth
vast maj were not

- w/o add other issues, not going to fix
- outside this inv, allows us eyes
 - mult sales alone not enough, but head start on ppl may

What do w/that? If can't arr Pating, ~~what~~ what do

- What saw in this case v. AZ-centric
- Many oth dist can act/react

What so diff.

- legal env. we talked abt
- Diff verdicts. Diff ~~env~~ env.
- We're going to do things diff, but no guar will be more pros
- can't use this case as eg. of utility

ATF

GRR

Said state ct

- I'm not sure what types of cases. Dep. what look to change

Phx gun culture?

- b/c grey area, inab. to change straw
- We've heard buying 20 Aks not susp in AZ??

- I know a lot of guns sold in AZ

Aware of studies of gun purch → AZ

- bel. there is a study, that there are states w/other per capita sales

Did you seek ev abt Phx gun culture?

- I asked the question, Arthur Herbert

When

- don't remember.
- Wanted to know if truth to it

AZ

Ex. 21 - dailybeast.com/articles/2010/06/20/states-with-the-most-guns.html

AZ # 41, using background checks as proxy.

- other factors. Higher # of straws on SWB
- may be other factors
- def. something dif as comp w/oth parts of country

Art. day of hearing - know if act true it's normal
to buy 15 - 20 guns? Any basis to bel
- nothing other than anecdotal

Steve

ATF sup say that, PPLS don't
- maybe so, don't know

I will rep to you, Sat, in lots of lots