



*The Department of Justice's Operation Fast and Furious:
Untitled Draft*

JOINT STAFF REPORT

Prepared for

**Rep. Darrell E. Issa, Chairman
United States House of Representatives
Committee on Oversight and Government Reform
&
Senator Charles E. Grassley, Ranking Member
United States Senate
Committee on the Judiciary**

**112th Congress
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III. Weapons Traced to the ATF Phoenix Field Division

Starting in late 2009, ATF officials in Mexico noticed a growing number of weapons appearing in Mexico that were traced to the ATF's Phoenix Field Division. Completely unaware of Operation Fast and Furious at the time, [ATF] then Deputy Attaché to Mexico, was surprised when he learned of the number of weapons seized in Mexico that were connected to this one case in Phoenix. [ATF] explained:

Either late October, early November, mid November, 2009, I was informed about the large number of guns that have made it on to the suspect gun database relating to this investigation [Operation Fast and Furious]. That is when I became aware, okay they just opened up this case in October of '09, and I thought, wow, look at all these guns.

I thought two things: I thought, okay, all these guns, the reason all these guns are here is because we are finally on to these guys, and we went back and did our due diligence and found out that these guys had already beaten us for 900 guns. That was one of the things I thought.¹

[ATF] informed his boss, then ATF Attaché to Mexico, Darren Gil, about an unusual amount of weapons being seized in Mexico. Gil stated:

I remember the event that my chief analyst and my deputy came in and said, hey, we're getting this abnormal number of weapons that are being seized in Mexico and they're all coming back to the Phoenix field division. So that was my first awareness of this regarding anything to do with this case.²

ATF officials in Mexico never received any notice or warning from ATF in Phoenix or Washington, D.C. about the possibility of a spike in guns showing up in their host country. Instead, they began to suspect something was amiss as an inordinate number of weapons recovered in Mexico traced back to the Phoenix Field Division.

The weapons were being seized from violent crime scenes involving Mexican drug cartels. One of the early seizures occurred after a shoot-out between warring cartels. [ATF] described learning about this incident:

Q. When was the next time that you got some information about Operation Fast and Furious after October, 2009?

¹ [ATF] Transcript, at 11; [ATF] became the Acting Attaché in October 2010. Prior to this time, he served as the Deputy Attaché.

² Transcribed Interview of Darren Gil, Transcript, at 13 (May 12, 2011) (on file with author) [hereinafter Gil Transcript].

A. I need to go back and check, but I was approached by an ICE agent at the U.S. embassy, and he showed me some pictures of a shootout between the Sinoloa cartel and the La Familia cartel in a small town up in the mountains of Sonora. He asked – I saw the picture a lot of dead bodies he told me that the Sinoloa cartel had come into the area to try to push out the La Familia cartel, the La Familia cartel had ambushed the Sinoloans up in the mountains, and literally decimated the group. There was some firearms recovered on the scene. He asked if we could trace the guns, and we did.

When we got the traces back, I believe two or three guns had come back to the case number that is now known as Operation Fast and Furious.

I believe I reached out to ATF Group VII special agent [ATF] [ATF] via e mail and I notified her that some of the firearms in her case had been recovered as a homicide, what were they planning, what were they planning to do, what is going on with this case?³

According to [ATF] he did not receive any information about the operation’s future plans or an explanation for the growing number of weapons being recovered at Mexican crime scenes linked to Operation Fast and Furious.⁴ However, these seizures were only the beginning. Over the next several months, an alarming number of weapons would be seized and traced to Phoenix.

IV. Fast and Furious Weapons Recovered at Crime Scenes

The following chart represents a list of recoveries in Mexico where weapons found were traced back to Operation Fast and Furious. Despite its length, *this list is not complete*. Rather, this list is compiled solely from information the Justice Department has provided to date. Many more recoveries may have occurred and will continue to occur in the future, but it is impossible to determine precisely how many weapons recoveries in Mexico trace back to Operation Fast and Furious. So far, the Justice Department has provided documents that reference at least 48 separate recoveries involving 122 weapons connected to Operation Fast and Furious.

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
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³ [ATF] Transcript, at 9-10.

⁴ *Id.* at 10.

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
1	11/15/2009	Costa Grande, Guerrero	15 AK-47s, 30 guns, 9 guns traced to Operation Fast and Furious ⁵	9
2	11/20/2009	Naco, Sonora	41 AK-47s and 1 50 caliber. "Time-to-crime," the period between the purchase date and the recovery date, of 1 day. Two multiple sales summaries linked to this seizure ⁶	42
3	11/26/2009	Agua Prieta, Sonora	15 rifles, 8 pistols, traced to [SP 1] ⁷	1
4	12/9/2009	Mexicali, Baja	\$2 million US, \$1 million Mexican, 421 kilos cocaine, 60 kilos meth, 41 AK-47s, 5 traced to Operation Fast and Furious ⁸	5
5	12/18/2009	Tijuana, Baja	"El Teo" link, 5 AK-47 type rifles recovered and 1 linked to [SP 2] ⁹	1
6	12/18/2009	Tijuana, Baja	Traced to weapons bought 11/13/09 ¹⁰	1
7	1/8/2010	Tijuana, Baja	"El Teo" link, 2 guns traced to F&F, bought by [SP 2] on 12/13/09 and [SP 1] ¹¹	2
8	1/11/2010	Guasave, Sinaloa	2,700 rounds of ammo, 3 belts of rounds, 9 rifles, 2 grenade launchers, 1 gun traced to Operation Fast and Furious ¹²	1
9	2/8/2010	La Paz, Baja	4th recovery related to "El Teo" organization ¹³	1

⁵ E-mail from [ATF] to [ATF] March 09, 2010 (HOCR ATF – 001803-12).

⁶ E-mail from William Newell to [ATF] November 25, 2009 (2141); *see also* e-mail from [ATF NTC] to [ATF] December 9, 2009 (HOCR ATF – 002205-06); *see also* e-mail from Mark Chait to William Newell, Daniel Kumor November 25, 2009 (HOCR ATF – 001993).

⁷ *See generally* "Operation The Fast and The Furious" Presentation, March 5, 2010.

⁸ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA], [ATF] January 8, 2010 (HOCR ATF – 002210-11); *see also* e-mail from [ATF Tijuana Field Office Agent] to [ATF] February 24, 2010 (HOCR ATF – 002301); "Operation The Fast and The Furious" Presentation, March 5, 2010.

⁹ E-mail from [ATF Intelligence Specialist] to [ATF Group 7 SA], [ATF] January 13, 2010 (HOCR ATF – 002166-70).

¹⁰ E-mail from [ATF NTC] to [ATF] December 29, 2009 (HOCR ATF – 002208-09).

¹¹ E-mail from [ATF] to [ATF Intelligence Specialist], [ATF Group 7 SA], [ATF] [ATF] [ATF Analyst Chief – Mexico] January 18, 2010 (HOCR ATF – 002112); *see also* e-mail from [ATF] [ATF] January 14, 2010 (HOCR ATF – 002214-15); *see also* e-mail from [ATF Tijuana Field Office Agent] to [ATF] February 24, 2010 (HOCR ATF – 002301).

¹² E-mail from [ATF Intelligence Analyst] to [ATF] March 9, 2010 (HOCR ATF – 002307-08).

¹³ *See generally* "Operation the Fast and the Furious" Presentation, March 5, 2010.

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
10	2/21/2010	Sinaloa, Mexico	15 rifles, 5 handguns, 11,624 rounds of ammunition. At least 4 weapons traced to [SP 1] ¹⁴	4
11	2/25/2010	Tijuana, Baja	"El Teo" link, attempted State Police Chief assassination, guns traced to [SP 4] ¹⁵	1
12	3/14/2010	Juarez, Chihuahua	5 weapons traced back to Operation Fast and Furious purchased by [SP 2], [SP 3], and [SP 2] ¹⁶	5
13	6/15/2010	Acapulco, Guerrero	6 rifles, 1,377 rounds of ammo, 1 traced back to Operation Fast and Furious ¹⁷	1
14	6/24/2010	Tijuana, Baja	6 AK-47 type firearms, 5 traced back to [SP 2] ¹⁸	5
15	7/1/2010	Tubutama, Sonora	DTO battle, 15 firearms seized, 12 rifles, 3 pistols, 1 traced to Operation Fast Furious ¹⁹	1
16	7/4/2010	Navajoa, Sonora	25 AK-47 rifles, 78 magazines, over 8,000 rounds of ammo, 1 AK-47 traced to [SP 1] 3/2/10 purchase ²⁰	1
17	7/8/2010	Culiacan, Sinaloa	Grenade launcher, 2 submachine guns, 8 rifles, 3 shotguns, 1,278 rounds of ammo, 1 rifle traced to Operation Fast and Furious ²¹	1

¹⁴ E-mail from: [ATF] to [ICE Agent] March 19, 2010 (HOCR ATF – 001813-15); *see also* e-mail from [ATF] [ATF Group 7 SA] March 22, 2010 (HOCR ATF – 002114-15); *see also* e-mail from: [ATF] to [ATF] [ATF Analyst Chief – Mexico] March 11, 2010 (HOCR ATF – 002133-40); *see also* e-mail from: [ATF] to [ATF] [ATF Analyst Chief – Mexico] March 11, 2010 (HOCR ATF – 002315-16).

¹⁵ E-mail from: [ATF] to Emory Hurley February 26, 2010 (HOCR ATF – 002271-72).

¹⁶ E-mail from [ATF SA] to [ATF] [ATF El Paso SA] April 29, 2010 (HOCR ATF – 001713-16).

¹⁷ E-mail from [ATF Mexico City SA] to [ATF] January 26, 2011 (HOCR ATF – 001863-65).

¹⁸ E-mail from [ATF SA-EPIC] to [ATF] July 1, 2010 (HOCR ATF – 001821); *see also* e-mail from [ATF NTC] to: [ATF] July 1, 2010 (HOCR ATF – 001824).

¹⁹ E-mail from: [ATF] to [ATF] July 14, 2010 (HOCR ATF – 002378-2379).

²⁰ E-mail from [ATF SA-EPIC] to [ATF] August 3, 2010 (HOCR ATF – 001726-27); *see also* e-mail from [ATF NTC] to: [ATF] [ATF] July 15, 2010 (HOCR ATF – 001729-1730); *see also* e-mail from [ATF] to: [ATF] July 30, 2010 (HOCR ATF – 001742-43); *see also* e-mail from [ATF] to [ATF SA-EPIC], [ATF Analyst] July 29, 2010 (HOCR ATF – 001796-97).

²¹ E-mail from [ATF SA-EPIC] to [ATF] July 19, 2010 (HOCR ATF – 001717-18); *see also* e-mail from [ATF NTC] to: [ATF] July 15, 2010 (HOCR ATF – 001723).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
18	7/21/2010	El Roble, Durango	5 handguns, 15 rifles, 70 armored vests, night vision goggles, 1 traced to [SP 1] 3/22/10 purchase ²²	1
19	7/27/2010	Durango, Durango	Barrett 50 caliber traced to [SP 1] purchase on 3/22/10 ²³	1
20	8/1/2010	Chihuahua, Chihuahua	Romarm 762s traced to 12/17/09 purchase ²⁴	1
21	8/1/2010	Sinaloa de Leyva, Sinaloa	Barrett 50 caliber traced to Operation Fast and Furious, bought 6/8/10 ²⁵	1
22	8/11/2010	Santiago, Durango	16 rifles, 110 magazines, 36 bullet-proof vests, 1 rifle traced to Operation Fast and Furious ²⁶	1
23	8/13/2010	Santiago Papasquiaro, Durango	Romarm/Cugir 762 traced to Operation Fast and Furious ²⁷	1
24	8/14/2010	El Naranjo, Sinaloa	16 firearms including Barrett 50 caliber, 69 magazines, 2,060 rounds of ammo, 1 weapon traced to Operation Fast and Furious ²⁸	1
25	8/24/2010	Nogales, Sonora	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 12/14/09 ²⁹	1
26	9/8/2010	San Luis, Sonora	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 12/14/09 ³⁰	1
27	9/9/2010	Nogales, Sonora	Guns traced to Operation Fast and Furious, bought on 11/27/09 ³¹	1

²² E-mail from [ATF SA-EPIC] to [ATF] [ATF Group 7 SA] August 3, 2010 (HOCR ATF – 001731-32).

²³ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] July 28, 2010 (HOCR ATF – 001735-36); *see also* e-mail from [ATF Firearms Specialist] to [ATF] [ATF Group 7 SA], [ATF] [ATF] June 10, 2010 (HOCR ATF – 002117-20).

²⁴ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] January 21, 2011 (HOCR ATF – 001856-57).

²⁵ E-mail from [ATF NTC] to [ATF] August 13, 2010 (HOCR ATF – 002013-14).

²⁶ E-mail from [ATF SA-EPIC] to [ATF] October 18, 2010 (HOCR ATF – 002178).

²⁷ E-mail from [ATF NTC] to [ATF] October 18, 2010 (HOCR ATF – 002181-82).

²⁸ E-mail from [ATF Investigative Specialist] to [ATF NTC], [ATF] August 23, 2010 (HOCR ATF – 002174-75).

²⁹ E-mail from [ATF SA-EPIC] to [ATF Group 7 SA], [ATF] September 15, 2010 (HOCR ATF – 002123-24).

³⁰ E-mail from [ATF SA-EPIC] to [ATF Group 7 SA], [ATF] September 15, 2010 (HOCR ATF – 002121-22).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
28	9/10/2010	Tijuana, Baja	6 firearms recovered, 6 firearms traced to Operation Fast and Furious purchases on 8/6/10 and 8/11/10 ³²	6
29	9/14/2010	Nogales, Sonora	Romarm/Cugir 762 traced to Operation Fast and Furious ³³	1
30	9/18/2010	Colonia Granjas, Chihuahua	Romarm/Cugir 762 traced to Operation Fast and Furious ³⁴	1
31	9/22/2010	Saric, Sonora	18 AK-47 rifles and 1 Barrett 50 caliber, 1 firearm traced to Operation Fast and Furious ³⁵	1
32	9/24/2010	Saric, Sonora	Guns bought on 2/16/10 traced to [SP 3] and [SP 1] ³⁶	1
33	9/26/2010	Reynosa, Tamaulipas	Traced guns to Operation Fast and Furious bought 3/18/10 ³⁷	1
34	9/28/2010	Juarez, Chihuahua	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 1/7/10 ³⁸	1
35	10/11/2010	Saric, Sonora	Firearm traced to 11/17/09 purchase ³⁹	1
36	10/12/2010	Tepic, Nayarit	Barrett 50 caliber traced to Operation Fast and Furious, bought 2/17/10 ⁴⁰	1
37	10/12/2010	Juarez, Chihuahua	Romarm/Cugir 762 traced to Operation Fast and Furious bought 1/7/10 ⁴¹	1

³¹ E-mail from [ATF SA-EPIC] to [ATF Group 7 SA], [ATF] September 20, 2010 (HOGRA ATF – 002186-87).

³² E-mail from [ATF NTC] to [ATF] September 17, 2010 (HOGRA ATF – 001744-45); *see also* e-mail from [ATF NTC] to [ATF] September 14, 2010 (HOGRA ATF – 001748-49); *see also* e-mail from [ATF NTC] to [ATF] September 20, 2010 (HOGRA ATF – 001754-55).

³³ E-mail from [ATF NTC] to [ATF] September 16, 2010 (HOGRA ATF – 001746); *see also* e-mail from [ATF SA-EPIC] to [ATF] [ATF Group 7 SA] September 20, 2010 (HOGRA ATF – 001752-53).

³⁴ E-mail from [ATF] to [AUSA AZ District] November 29, 2010 (HOGRA ATF – 001798-99).

³⁵ E-mail from [ATF Investigative Specialist] to [ATF] [ATF NTC], [ATF NTC] October 28, 2010 (HOGRA ATF – 001756-59).

³⁶ E-mail from [ATF NTC] to [ATF] October 7, 2010 (HOGRA ATF – 002126-27).

³⁷ E-mail from [ATF NTC] to [ATF] October 26, 2010 (HOGRA ATF – 001831-32).

³⁸ E-mail from [ATF NTC] to [ATF] October 15, 2010 (HOGRA ATF – 002129-2130).

³⁹ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] November 19, 2010 (HOGRA ATF – 002003-04).

⁴⁰ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] November 19, 2010 (HOGRA ATF – 002001-02).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
38	10/19/2010	Reynosa, Tamaulipas	Romarm/Cugir 762 traced to Operation Fast and Furious ⁴²	1
39	10/28/2010	Acapulco, Guerrero	Romarm/Cugir 762 traced to Operation Fast and Furious ⁴³	1
40	11/4/2010	Chihuahua, Chihuahua	16 guns, 2 traced to Operation Fast and Furious, Used in the murder of Mario Gonzalez ⁴⁴	1
41	11/22/2010	Nogales, Sonora	Traced to guns bought 11/27/09 ⁴⁵	1
42	12/14/2010	Puerto Penasco, Sonora	5 guns traced to Operation Fast and Furious, bought 12/11/09, 12/14/09, 6/8/10, and 6/15/10 ⁴⁶	5
43	12/17/2010	Zumu Rucapio, MC	Traced to Operation Fast and Furious, bought 11/27/09 ⁴⁷	1
44	12/28/2010	Obregon, Sonora	12 total firearms, 1 firearm traced to Operation Fast and Furious, bought 4/12/10 ⁴⁸	1
45	1/9/2011	Chihuahua, Chihuahua	6 rifles and magazines seized, 1 firearm traced to Operation Fast and Furious ⁴⁹	1
46	1/25/2011	Culiacan, Sinaloa	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 3/8/10 ⁵⁰	1
47	2/4/2011	Juarez, Chihuahua	Barrett 50 caliber traced to Operation Fast and Furious, bought 2/2/10 ⁵¹	1

⁴¹ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA], [ATF] December 15, 2010 (HOCR ATF – 002190-91).

⁴² E-mail from [ATF] to [AUSA AZ District] November 29, 2010 (HOCR ATF – 001798).

⁴³ E-mail from [ATF] to [AUSA AZ District] November 29, 2010 (HOCR ATF – 001799).

⁴⁴ E-mail from [ATF] November 15, 2010 (HOCR ATF – 001792).

⁴⁵ E-mail from [ATF NTC] to [ATF] November 24, 2010 (HOCR ATF – 001833-38); see also e-mail from [ATF SA-EPIC] to [ATF] December 8, 2010 (HOCR ATF – 002188-89).

⁴⁶ E-mail from [ATF NTC] to [ATF] December 28, 2010 (HOCR ATF – 001842-51).

⁴⁷ E-mail from [ATF SA-EPIC] to [ATF] [ATF Group 7 SA] December 22, 2010 (HOCR ATF – 001852-55).

⁴⁸ E-mail from [ATF SA-EPIC] to [ATF] March 21, 2011 (HOCR ATF – 001874-77); see also e-mail from [ATF NTC] to [ATF] March 17, 2011 (HOCR ATF – 001885-86).

⁴⁹ E-mail from [ATF SA-EPIC] to [ATF] [ATF Group 7 SA] February 2, 2011 (HOCR ATF – 002192-93); see also e-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] January 18, 2011 (HOCR ATF – 002196-97).

⁵⁰ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] March 21, 2011 (HOCR ATF – 001883-84).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
48	2/19/2011	Navajoa, Sonora	37 rifles, 3 grenade launchers, 16,000 rounds of ammo, 1 Firearm traced to Operation Fast and Furious, purchased on 3/8/10 ⁵²	1
TOTAL				122⁵³

These documented recoveries indicate that a significant number of Operation Fast and Furious guns ended up in Mexico. However, there are indications that the numbers could be larger. For example, within 24 hours of the murder of Border Patrol Agent Brian Terry, Special Agent in Charge (SAC) Bill Newell asked for the total number of Operation Fast and Furious firearms recovered to date in Mexico and the U.S.⁵⁴ Five days later, on December 21, 2010, Newell forwarded the totals to his boss, Deputy Assistant Director William McMahon, indicating that he had the numbers compiled because, “I don’t like the perception that we allowed guns to ‘walk.’”⁵⁵ According to the tally Newell received on December 16, 2010, approximately 241 firearms had been recovered in Mexico and 350 in the U.S.⁵⁶ The number reported to Newell as recovered in Mexico as of the day after Agent Terry’s death is twice what can be verified through documents produced by the Department of Justice as outlined in the table above. Furthermore, this number is much higher than the 96 firearms reported by the Department of Justice as recovered in Mexico in answers to questions for the record received on July 22, 2011.⁵⁷

⁵¹ E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] February 17, 2011 (HOCR ATF – 001859-62); *see also* e-mail from [ATF SA-EPIC] to [ATF] [ATF Group 7 SA] March 21, 2011 (HOCR ATF – 001880-82); *see also* e-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] February 17, 2011 (HOCR ATF – 002020-21).

⁵² E-mail from [ATF SA-EPIC] to [ATF] [ATF Group 7 SA] March 7, 2011 (HOCR ATF – 002198-99); *see* E-mail from [ATF NTC] to [ATF] [ATF Group 7 SA] March 1, 2011 (HOCR ATF – 002202-03).

⁵³ This total of 122 guns is based on documents produced to the Committees by DOJ and total represents the minimum number of guns recovered in Mexico as identified by the Committees.

⁵⁴ E-mail from [ATF] to William Newell Dec. 16, 2010, 7:22pm (HOCR ATF – 001935).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Letter from Ronald Weich, Asst. Att’y Gen., U.S. Dep’t of Justice, to Senator Patrick Leahy, Chairman, Senate Jud. Comm., July 22, 2011, 14 (“Based on information known to ATF and analyzed as of May 26, 2011, we understand that ninety-six (96) firearms were recovered in Mexico after the suspects were identified in the investigation.”).

From: McMahon, William G.
Sent: Tuesday, December 21, 2010 11:21 AM
To: Newell, William D.
Subject: RE: simple numbers on F&F recoveries

10-4 thanks.

William G. McMahon
Deputy Assistant Director (West)
Office of Field Operations
[REDACTED]

From: Newell, William D.
Sent: Tuesday, December 21, 2010 11:21 AM
To: McMahon, William G.
Subject: Fw: simple numbers on F&F recoveries

For what it's worth and since I don't like the perception that we allowed guns to "walk", I had [REDACTED] pull the numbers of the guns recovered in Mexico as well as those we had a direct role in taking off here in the US. **ATF** Almost all of the 350 seized in the US were done based on our info and in such a way to not burn the wire or compromise the bigger case. The guns purchased early on in the case we couldn't have stopped mainly because we weren't fully aware of all the players at that time and people buying multiple firearms in Arizona is a very common thing.

NOTICE: This electronic transmission is confidential and intended only for the person(s) to whom it is addressed. If you have received this transmission in error, please notify the sender by return e-mail and destroy this message in its entirety (including all attachments).

From: [REDACTED] **ATF**
To: Newell, William D.
Sent: Thu Dec 16 19:22:42 2010
Subject: simple numbers on F&F recoveries
Sir,

I can make this more grand tomorrow if you wish but right now by my count;

- Firearms recovered in Mexico = 241
- Firearms recovered in the USA = 350

Thanks,

[REDACTED] **ATF**
Group Supervisor
Phoenix Group VII
[REDACTED]

More troubling, several of these recoveries highlight the deadly consequences of Operation Fast and Furious.⁵⁸

⁵⁸ See Section VII *infra*, page 47 for an in-depth look at the tragic consequences of Operation Fast and Furious.

A. Tracing the Recoveries

ATF officials in Mexico learned about many of these recoveries through open sourcing, such as articles in local newspapers or internet searches. After learning of these recoveries, however, it was incumbent on ATF employees in Mexico to attempt to view the weapons recovered as soon as possible in order to see if any link existed between the weapon and the United States. Mexican authorities transported the seized weapons to local police stations for processing. Once processed, the authorities turned the weapons over to the Mexican military, which stored them in vaults indefinitely. Once the Mexican military acquired these weapons, they were considered to be for the exclusive use of the military, and viewing them required a court order. It was therefore imperative for ATF agents in Mexico attempt to view the weapons as soon as possible after a recovery.

When ATF agents in Mexico were able to view these recovered weapons, they could also enter the serial numbers of the weapons into an online internal tracing system known as e-Trace. ATF has a procedure for tracing weapons. This initiates a manual tracing process which involves notifying the National Tracing Center (NTC), located in Martinsburg, WV, of the recovery. NTC then identifies the purchaser as well as the date of purchase. The process can take several days. ATF also maintains a Suspect Gun Database (SGD). This database is a list of all the guns purchased that ATF believes might turn up at crime scenes. Since no specific criteria exist for entering a gun into the SGD, it is usually up to the case agent's discretion. During Operation Fast and Furious, Group VII case agents entered over 1,900 guns into the SGD, usually within days of the purchase. Since these weapons were already in the SGD, the case agent would receive notice the trace request was submitted and the full manual trace process was unnecessary.

Starting in late 2009, ATF officials in Mexico began to notice that many of the weapon recoveries in Mexico traced back to the same Phoenix investigation. ATF personnel in Mexico called the Phoenix Field Division to notify them of what was occurring. The response from Phoenix was that everything was under control and not to worry about the investigation. Because the guns were in the SGD, the case agent in Phoenix received notice of trace requests. The case agent could limit the information that other ATF officials would receive to merely a notice that the trace results were "delayed," which effectively kept ATF personnel in Mexico out of the loop.

For example, in June 2010, [ATF] the Operation Fast and Furious case agent asked an NTC employee to postpone the completion of several traces for guns recovered in Mexico. With the subject line "RE: Suspect Gun Notification – DO NOT Trace ?," the employee writes, "Good morning, as case agent you advised 'do not trace', [t]race will be held pending upon your instructions."⁵⁹ In her response, [ATF] asks, "Can we postpone completing that trace as well? Thanks!"⁶⁰ These holds prevented ATF personnel in Mexico from discovering the origin of the recovered guns.

⁵⁹ E-mail from [NTC employee] to [ATF] June 10, 2010 (HOCR ATF - 002114).

⁶⁰ E-mail from [ATF] to [NTC employee], June 11, 2010 (HOCR ATF - 002117).

To make matters worse, ATF officials in Mexico did not even know that their fellow agents were shutting them out of the investigation. With reassurances from ATF Phoenix and ATF Headquarters in Washington D.C. that things were under control, ATF officials in Mexico remained unaware that ATF was implementing a strategy of allowing straw purchasers to continue to transfer firearms to traffickers. Even though large recoveries were taking place in Mexico, with the awareness of senior ATF officials in both Phoenix and Washington D.C, ATF officials in Mexico did not have the full picture. What they were able to piece together based on several large weapons seizures made them extremely nervous.

B. The Naco, Mexico Recovery

The first large recovery of weapons in Mexico linked to Operation Fast and Furious occurred on November 20, 2009, in Naco, Sonora – located on the U.S./Mexico border. All of the 42 weapons recovered in Naco traced back to Operation Fast and Furious straw purchasers. Forty-one of these weapons were AK-47 rifles and one was a Beowulf .50 caliber rifle. Twenty of the weapons in this recovery were reported on multiple sales summaries by ATF, and these weapons had a “time-to-crime” of just one day.⁶¹ Within a span of 24 hours, a straw purchaser bought guns at a gun store in Arizona and facilitated their transport to Naco, Mexico with the intent of delivering the guns to the Sinaloa cartel.

Mexican authorities arrested the person transporting these weapons, a 21-year old female. Mexican authorities interviewed her along with her brother, who was also in the vehicle. According to an official in ATF’s Office of Strategic Information and Intelligence (OSII), the female suspect told law enforcement that she intended to transport the weapons straight to the Sinaloa cartel.⁶² From the very first recovery of weapons ATF officials knew that drug trafficking organizations (DTOs) were using these straw purchasers.

C. The Mexicali Recovery

Nearly three weeks after the Naco recovery, an even bigger weapons seizure occurred in Mexicali, the capital of the state of Baja California, located near the border. The seizure included the following weapons:

- 41 AK-47 rifles
- 1 AR-15 rifle
- 1 FN 5.7

In addition, Mexican authorities seized the following items:

- 421 kilograms of cocaine
- 60 kilograms of methamphetamine
- 392 rounds of ammunition
- \$2 million U.S. dollars

⁶¹ E-mail from Mark Chait to William Newell and Daniel Kumor, November 25, 2009 (HOCR ATF – 001993).

⁶² Interview with [REDACTED] ATF Intelligence Operations Specialist, in Wash., D.C. (July 5, 2011).

- \$1 million Mexican pesos

Of the twelve suspects detained, all were from the state of Sinaloa.⁶³ Several were identified members of the Sinaloa cartel.⁶⁴ The guns recovered at the scene traced back to straw purchasers being monitored under ATF's Operation Fast and Furious.⁶⁵ With a second large recovery tracing to the same case in Phoenix in less than three weeks, there was little doubt to ATF officials monitoring Operation Fast and Furious what was happening. As one ATF Special Agent wrote to Fast and Furious Case Agent [ATF] “[the head of the Sinaloa cartel] is arming for a war.”⁶⁶

D. The El Paso, Texas Recovery

On January 13, 2010, the ATF Dallas Field Division seized 40 rifles traced to Operation Fast and Furious suspect [SP 2].⁶⁷ This seizure connected Operation Fast and Furious suspects with a specific high-level “plaza boss” in the Sinaloa DTO.⁶⁸ Additionally, this seizure may have represented a shift in the movement of Operation Fast and Furious weapons in order to provide the necessary firearms for the Sinaloa Cartel’s battle for control of the Juarez drug smuggling corridor.⁶⁹

This possible shift of Operation Fast and Furious weapons may have been a result of the death of [ATF] in December 2009. Mexican authorities killed Beltrán-Leyva, the leader of the Beltrán-Leyva DTO, effectively crippling his family’s DTO.⁷⁰ The resulting decreased competition in Sonora between the Sinaloa DTO and the Beltrán-Leyva DTO may have contributed to the shift in Operation Fast and Furious weapons transported to Juarez. The map below, created by the Drug Enforcement Administration (DEA), reflects the areas of DTO influence in Mexico:⁷¹

⁶³ See “Operation The Fast and The Furious” Presentation, March 5, 2010.

⁶⁴ *Id.*

⁶⁵ E-mail from [ATF Official] to [ATF] February 24, 2010 (HOGRA ATF – 002301).

⁶⁶ E-mail from [ATF] December 11, 2009 (HOGRA ATF – 002024).

⁶⁷ This recovery is not listed in the chart in Section IV since it occurred in the United States.

⁶⁸ See “Operation the Fast and the Furious” Presentation, March 5, 2010.

⁶⁹ See Alicia A. Caldwell & Mark Stevenson, *Sinaloa Drug Cartel Wins Turf War in Juarez*, AP, Apr. 9, 2010 available at <http://www.azcentral.com/news/articles/2010/04/09/20100409cartel-wins-turf-war-juarez-mexico09-ON.html> (highlighting statements made by FBI officials that the Sinaloa DTO gained control over trafficking routes through Ciudad Juarez).

⁷⁰ Ruth Maclean, *Mexico’s Drug ‘Boss of Bosses’ Shot Dead in Raid on Luxury Hideout*, Dec. 18, 2009, available at http://www.timesonline.co.uk/tol/news/world/us_and_america/article6960040.ece (summarizing the bloody feud between the Beltrán-Leyva brothers and Joaquín Guzmán, the head of the Sinaloa DTO).

AREAS OF CARTEL INFLUENCES IN MEXICO



E. Tuesday Briefings at ATF Headquarters

These weapons recoveries did not occur in a vacuum. Upon learning of the recoveries, analysts in ATF’s Office of Strategic Information and Intelligence (OSII) in Washington, D.C. attempted to piece together fragments of information to report up the chain of command. According to ATF personnel, every Tuesday morning OSII holds a briefing for the field operations staff to share and discuss information about ongoing ATF cases.⁷² Typically, the four Deputy Assistant Directors for Field Operations attend. Additionally, Mark Chait, the Assistant Director for Field Operations, often attends. Occasionally, Deputy Director William Hoover and Acting Director Kenneth Melson attend these briefings.

OSII first briefed on Operation Fast and Furious on Tuesday December 8, 2009, including the Naco recovery. The following week, OSII briefed the Mexicali recovery. Subsequent briefings covered other recoveries that had occurred in the United States. The magnitude of the Operation Fast and Furious investigation quickly became apparent to senior ATF officials.

⁷² Interview with ATF Intelligence Operations Analyst, in Wash., D.C. (July 5, 2011).

F. January 5, 2010 Briefing

Assistant Director Mark Chait, Deputy Assistant Director Bill McMahon, International Affairs Chief Daniel Kumor, Southwest Border Czar [ATF] and Assistant Director James McDermond all attended the January 5, 2010, field-ops briefing led by Intelligence Operations Specialist [ATF].⁷³ At this briefing, the participants expressed concerns about Operation Fast and Furious. Though the briefing included the normal updates of weapons seizures linked to Operation Fast and Furious provided every Tuesday, the January 5, 2010, briefing also included a key addition.

OSII had compiled a summary of all of the weapons that could be linked to known straw purchasers under Operation Fast and Furious to date and presented this information to the group. The total number of guns purchased in just two months was 685.⁷⁴

Steve Martin, an ATF Deputy Assistant Director for OSII, took extensive notes during the briefing. Examining the locations where the weapons ended up in Mexico, he outlined potential investigative steps that could be taken to address the problem.⁷⁵ Due to the sheer volume of weapons that had already moved south to Mexico, he had a hunch that guns were being walked:

A. So I made – they were talking about – I had [SP 1] in there, I had [SP 2] who were major purchasers. And I had numbers by them about how many guns they had purchased from the PowerPoint. I had a little picture drawn, with Phoenix at the top and then guns going two ways, one down to Naco and then over to Mexicali.

Q. Uh huh.

A. And that was because we said . . . it's the same distance to go from Phoenix to these two places. So they don't all have to go to here to arm the Sinaloa Cartel; they can go over to Mexicali and bring them that way-same distance. So that's one thing I wrote as I was being briefed.

I also wrote down guns, **I think, guns walking into Mexico. Because that's just, kind of, what's going through my head.** And I had, if yes into Mexico, then some things to do; if no into Mexico, things to do. Then I put a list of a whole list of stuff that you could do investigative wise: interview straw purchasers, put

⁷³ Transcribed Interview of Steve Martin, Transcript at 40 (July 6, 2011) (on file with author) [hereinafter Martin Transcript].

⁷⁴ *Id.* at 43.

⁷⁵ Notes from Steve Martin, ATF Deputy Assistant Director for OSII (January 5, 2010) (HOCR ATF – 001552-53) (produced *in camera* by the Department of Justice).

trackers on the guns, put pole cams up, mobile surveillance, aerial surveillance, a number of stuff.⁷⁶

Hoping to draw from his experience as a former Assistant Special Agent in Charge (ASAC) and Special Agent in Charge (SAC), Martin wanted to offer suggestions on a plan for the case – specifically, how to track weapons, conduct surveillance, and eventually bring Operation Fast and Furious to a close. Those in field operations – the chain of command responsible for overseeing and implementing Operation Fast and Furious – responded to his suggestions with complete silence. ATF personnel within field operations felt free to ignore OSII's suggestions and complaints because OSII's role was to support field operations:

A. From my notes, **I asked Mr. Chait and Mr. McMahon, I said, what's your plan? I said, what's your plan?** And I said, hearing none, **and I don't know if they had one.** I said . . . there are some things that we can do. **ATF** who was the southwest border czar at the time, asked, **how long are you going to let this go on?**

Q. This is in January 2010?

A. January 5th, that meeting, that's correct. **ATF** has since retired. So I said, well, here are some things that . . . we might think of doing. And we had talked about this before, we'd brainstormed stuff, too, with **ATF** **ATF** even talked about it. Kevin talked about it. Kevin O'Keefe had done a lot of trafficking investigations in south Florida – about identifying some weak straw purchasers, let's see who the weak links are, maybe the super young ones, the super old ones. Pole cameras . . . put them up to see who is coming and going, to help you with surveillance.

The aerial surveillance, the mobile surveillance, trackers. I said . . . one of the first things I would do is think about putting trackers, to help me keep track of where they're going.

And I said, as far as going into Mexico, I said, have we thought about putting trackers on them and let them - - follow them into Mexico? Dan Kumor said, the Ambassador would never go for that. I said, okay, fine. I said, I'm not going to pursue that anymore, assuming that.

Had we thought about putting trackers on them and following them down to see where they're going across, to see where they go, who they're in contact with, and where they cross the border, we might find out something new and then . . . interdict. And I got no response. And I wasn't asking for one. I was just . . . throwing this stuff out.

⁷⁶ Martin Transcript, at 39-41.

- Q. You said this to who again, Mr. Chait?
- A. Mr. Chait, Mr. McMahon, Mr. Kumor. My boss was there, Jim McDermond, who agreed with me because we talked probably daily.
- Q. **Did any of those folks step up at that time and say, "Oh, no, no, no. We've got another great plan in place"?**
- A. **No. No.**
- Q. **They were silent?**
- A. **Yes. And I don't know if they had one.** I mean, they could have. I don't know.
- Q. Do you remember if they were nodding their head, giving you **any nonverbal cues that . . . this sounds like a bright idea that you're suggesting?**
- A. **Not that I recall, no.**
- Q. Or was it just like **a blank look on their face?**
- A. Just listening.⁷⁷

Whether Mr. Chait or Mr. McMahon had a plan for Operation Fast and Furious is unclear. What is clear is that they did not take kindly to suggestions from OSII about the operation. They were not inclined to discuss the operation at all, choosing instead to excuse themselves from the conversation:

- A. Somewhere during the meeting, Mr. Chait said that he had to go to another meeting, and he left. Mr. McMahon said that he had to go check some E-mails in a classified system, and he left. And then it was just the rest of us talking.
- Q. Do you feel that the other meeting, checking the E-mails on a classified system, was that an indication to you that they just didn't want to talk about this topic?
- A. You know, I'm not going to go into their brain on that one.
- Q. Okay. Well . . . sitting in a room with them, was that your perception?

⁷⁷ *Id.* at 43-45.

A. Well, I would like – it would have been nice to have some interaction. . . .

Q. So it was a one-way conversation of suggestions from you, from Mr. McDermond, to how to effectively limit –

A. Pretty much from me and the others to the field officers.⁷⁸

G. March 5, 2010 Briefing

Two months after the January 5, 2010 briefing, ATF headquarters hosted a larger, more detailed briefing on Operation Fast and Furious. Not part of the normal Tuesday field ops briefings, this special briefing only covered Operation Fast and Furious. ATF the Phoenix Group VII Supervisor who oversaw Operation Fast and Furious, traveled from Phoenix to give the presentation. On videoconference were the four southwest border ATF SACs: Bill Newell in Phoenix, Robert Champion in Dallas, J. Dewey Webb in Houston, and John Torres in Los Angeles.

In addition to the usual attendees of the Tuesday morning field ops briefings (the Deputy Assistant Directors for Field Operations, including Bill McMahon, and Mark Chait, Assistant Director for Field Operations), Deputy Director William Hoover also attended. Joe Cooley, a trial attorney from the gang unit at Main Justice, also joined. After a suggestion from Acting ATF Director Ken Melson in December 2009, Assistant Attorney General Lanny Breuer personally assigned Cooley as a DOJ representative for Operation Fast and Furious. Kevin Carwile, chief of the Capital Case Unit at Main Justice, may have also been present. According to Steve Martin, the inclusion of Main Justice representatives was unusual.⁷⁹

An extremely detailed synopsis of the current details of the investigation ensued, including the number of guns purchased, specific details of all Operation Fast and Furious weapons seizures to date, money spent by straw purchasers, and organizational charts of the straw purchasers and their relationship not only to each other, but also to members of the Sinaloa DTO. At that point, there had been 15 related weapons seizures over a four to five month period.⁸⁰

Two of the first slides in the March 5, 2010 presentation detailed the number of weapons bought as of February 27, 2010 – **1,026** – and the amount of money spent, in cash, to purchase these weapons – nearly **\$650,000**.⁸¹

Total Firearms Purchased as of February 27, 2010

⁷⁸ *Id.* at 45-46.

⁷⁹ *Id.* at 91 (“[Joe Cooley and Kevin Carwile] never sat in any of my briefings that I can recall.”).

⁸⁰ *Id.* at 97. See generally “Operation Fast and the Furious” Presentation, March 5, 2010.

⁸¹ See “Operation the Fast and the Furious” Presentation, March 5, 2010.

Name	Total of Firearms
[REDACTED]	313
[REDACTED]	241
[REDACTED]	116
[REDACTED]	68
[REDACTED]	55
[REDACTED]	30
[REDACTED]	25
[REDACTED]	22
[REDACTED]	20
[REDACTED]	20
[REDACTED]	18
[REDACTED]	17
[REDACTED]	13
[REDACTED]	10
[REDACTED]	10
[REDACTED]	8
[REDACTED]	8
[REDACTED]	8
[REDACTED]	5
[REDACTED]	5
[REDACTED]	3
[REDACTED]	2
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
TOTAL	1026

Total Costs of Firearms Purchased as of February 27, 2010			
Name	Gun Purchases	Invoice Total	Notes
[REDACTED]	\$8,189.50	\$8,880.81	
[REDACTED]	11,984.00	13,002.64	

				Need Receipts
		2,589.60	3,125.57	
		36,959.75	38,823.33	
		36,541.75	39,663.33	
		3,199.60	3,466.77	
		6,487.00	7,038.39	
		3,999.50	4,333.46	
		22,719.80	23,781.91	
				Need Receipts
		8,789.50	9,530.91	
		849.98	849.98	
		4,494.75	4,873.80	
		100.00	100.00	
		7,445.97	7,731.27	
		59,663.40	64,929.98	
		1,999.75	2,166.73	
		1,999.80	2,158.78	
		204,110.59	213,756.87	
		3,992.00	4,331.32	
		1,799.00	1,951.92	
				Need Receipts
		134,638.84	140,034.36	
		19,963.75	21,657.66	
		7,984.00	8,662.63	
		24,892.25	24,892.25	Ammunition
		TOTAL PURCHASES	\$615,394.08	\$649,745.32

The next set of slides at the briefing detailed the fifteen recoveries of weapons that had already taken place during Operation Fast and Furious. Following a map indicating the locations in both the United States and Mexico of these recoveries were detailed slides for each recovery, including the number of guns recovered, the purchaser, the transporter, and the intended recipient in the Sinaloa cartel.

For example, the slide pertaining to the Mexicali seizure indicated that the 12 detained suspects were all from Sinaloa, Mexico, “Confirmed Sinaloa cartel.”⁸² The slide also catalogs the full recovery: “41 AK-47s, 1 AR-15 rifle, 1 FN 5.7 pistol, 421 kilograms of cocaine, 60 kilograms of meth, 392 miscellaneous rounds of ammunition, \$2 million U.S., and \$1 million Mexican pesos.”⁸³ In addition, the slide graphically depicts the relationships between the straw purchasers and the weapons seized. And finally, the slide on the El Paso recovery links

⁸² *Id.*

⁸³ *Id.*