

STEVE MARTIN EXCERPTS

Q. So you said you were writing down the number of guns that Mr. [Redacted] bought, Mr. [Redacted] had bought, and Mr. [Redacted] had bought. Do you remember at this point how many guns had been purchased total?

A. 685-ish.

Q. 685.

A. Something like that.

Q. Okay. This seems like a fairly high number, is that fair to say?

A. That's quite a few. That's fair.¹

A. So I made -- they were talking about -- I had [Redacted] in there, I had [Redacted], 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, you know, 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 trackers on the guns, put pole cams up, mobile surveillance, aerial surveillance, a number of stuff.²

¹ Martin Transcript at 43.

² Martin Transcript at 39-41.

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, well, you know, 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, you know, we might think of doing. And we had talked about this before, we'd brainstormed stuff, too, with Lorren. Lorren 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, you know, put them up to see who is coming and going, to help you with surveillance.

The aerial surveillance, the mobile surveillance, trackers. I said, you know, 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, you know, interdict. And I got no response. And I wasn't asking for one. I was just, you know, throwing this stuff out.

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, you know, 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.³

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 emails 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 emails 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, you, you know, sitting in a room with them, was that your perception?

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

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.⁴

³ Martin Transcript at 43-45.

⁴ Martin Transcript at 45-46.

Q. Okay. So 15 seizures, at this point all relating to the Fast and Furious case over essentially a 4 month span from November to February.

A. Yes. 4 to 5 months.

Q. 4 to 5 months. 15 different seizures--

A. That's correct.

Q. --where weapons have turned up with very direct linkages to the Sinaloa cartel as the presentation seems to imply, is that correct?

A. I guess definitely linkages back to the Fast and Furious case. And the Sinaloa cartel, again, I don't know how strong that is, the information just from this diagram. I can't remember. But on the face here, it shows some kind of linkage.⁵

Q. The guns are up to 1,026 at this point?

A. That's correct.

Q. I know you had expressed some complaints earlier when it was only at 685. So there's no doubt after this briefing that the guns in this case were being linked with the Sinaloa cartel, based on the -

A. Based on the information presented, I'd say yes.

Q. And that was presumably very apparent to everybody in the room?

A. Based on this one, it says the people are connected with the Sinaloa cartel, I would say that's correct.⁶

Q. But whether the guns were walking, whether they were flying, whether they just disappeared, based on all the evidence that you've collected to this point, it was pretty clear that the guns were going almost linearly from the FFLs to the DTOs?

A. They were headed that way.⁷

⁵ Martin Tr. at 97

⁶ Martin Tr. at 100.

⁷ Martin Tr. at 50.

Q. Was there any concern ever expressed about the guns being you know essentially just b-lined right to the drug trafficking organizations about what the DTOs might actually do with the guns?

A. I think it was common knowledge that they were going down there to be crime guns to use in the battle against the DTOs to shoot each other.

Q. So these guns, in a way, are murder weapons?

A. Potentially.⁸

⁸ Martin Transcript at 103-104.