

ATF purchases:

ATF

ATF

first known firearms purchase occurred on November 24, 2009, at FFL Lone

ATF

ATF received multiple sale report. At this time,

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On ATF

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ATF was notified of this purchase on December 12, 2009 when agents received the ATF Form 4473 recording the purchase. As of this date, these five AK-47 type rifles have not been recovered.

ATF

On ATF AUSA, ATF Group Supervisor ATF and ATF Special Agent ATF

ATF

been providing information to ATF on large firearms purchases, including large purchases of (only) long guns which do not trigger any multiple purchase reporting requirements. This information was being provided voluntarily and without compensation from ATF. ATF had expressed concerns about the cooperation he was providing and whether he was endangering himself or implicating himself in a criminal investigation.

ATF was advised by the agents and AUSA that they could not tell him who he could or could not sell to and that they could not instruct him to make a sale in violation of the law or to refuse to make a lawful sale. He was advised by the agents that as an FFL he has to comply with all of the statutes and regulations that govern the sale and transfer of firearms and cannot sell firearms unless the required paperwork and background check were completed. As long as the required forms were properly filled out and the FFL did not know or have a reason to know that the firearms were part of a straw purchase or intended to be used in a crime, that he could complete the transfer. ATF was also told by the agents and this AUSA that the information he provided to ATF regarding large firearms

transactions, particularly sales involving only long guns, was very important and useful to ongoing ATF investigations.

During this meeting, ATF agents also described additional information that **ATF** or his employees might receive from purchasers which would not necessarily be required by the provisions of Chapter 44 of Title 18 to be kept in his records, but which would prove useful to ATF. This information

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On January 14, 2010, in Columbus, New Mexico, (a border town), U.S. Border Patrol agents pulled over a vehicle driven by **ATF** with passenger **ATF**, due to suspicious driving behavior. In the vehicle they found three AK-47 type rifles purchased by **ATF** three FN Herstal Five-Seven pistols purchased by **ATF** and two Ruger pistols purchased by another. U.S. Border Patrol agents did not observe any other criminal conduct and so returned the firearms to the occupants of the vehicle. They did not trace any of the firearms. ATF Phoenix was notified of the observation of the firearms on May 17, 2010, after ATF Las Cruces forwarded information in connection with a firearms trafficking investigation in New Mexico involving **ATF** others. **The investigation of **ATF** is still ongoing, likely involves public corruption and must be viewed as close-hold.** [JW note – **ATF**

ATF

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ATF was not notified of this purchase until January 19, 2010. This notification came only through the cooperation of the FFL as this long gun only purchase would not trigger any affirmative reporting requirements. **[Guns in bold are associated with Agent Terry shooting.]**

March 2010

[REDACTED] ATF

[REDACTED] ATF On or about March 3, 2010, this pistol was recovered by Phoenix Police in connection with a drug house in Phoenix. This was the first actual recovery of a firearm purchased by [REDACTED] ATF

April 2010

[REDACTED] ATF

May 2010

[REDACTED] ATF

June 2010

[REDACTED] ATF

December 2010

On December 14, 2010, Agent Terry was shot and killed. Two of the guns purchased by [REDACTED] ATF [REDACTED] ATF were found at the scene.

Following the incident, ATF agents located and interviewed [REDACTED] ATF

[REDACTED] ATF

[REDACTED] ATF). During that purchase, [REDACTED] ATF had provided the address on his driver's license and car registration, which was no longer his current address. [REDACTED] ATF was later indicted on January 19, 2011 as part of the Fast and Furious conspiracy.

ATF

- brought into plan as way to make easy \$, mentioned that over course of buying his 52 guns, made \$50/gun –
- Acknowledges his writing on 4473s, he purchased it
- Got \$ from suspect to buy the guns, went wherever told to go, bought the guns, delivered to the guy
- Collected the \$ in parking lots, etc., delivered guns in parking lots, other neutral locations
- Every dime he made went to cocaine, meth
- Story very much like average straw purchaser
- Case agent has done almost nothing but firearms trafficking cases for at least 9 years
- AUSA, agent have reviewed numerous cases where FFL reported after the sale
- FFL – genuine desire to help LE; assuage conscience; keep selves out of trouble – happens all the time
- Normal case – FFL reports X bought 10 AK-47s
 - ATF approaches guy – he says still has them – in storage locker or friend’s house – all say buying that many bc heard Obama would bring back AWB – bought as investments; offer to meet later with the guns – in some cases do that, in others put agents off
 - Coached to answer these questions
 - Then guns end up in Mexico
 - Even if immediately stop them – not have crime being committed
 - Have had SPs come up with reasonable story – fear of AWB, buying as investment or to have valuable collection
 - Normally say collector – later sold the guns as collector
 - Bill in state – committee to decide which federal statutes going to ignore
- Not try to flip straws – exceptionally low % move, would alert other straws to ATF’s involvement
- Many of straws connected – cousins of primary trafficker, on facebook pages, in close proximity to each other
- Different from lot of rings bc not high number of disposable SPs – these were repeat straws although new people being recruited over time
- OIG report – critical of pursuing straws
- ATF – not traced, not told till May – first of his guns ever recovered – CBP agents – did not seize the guns – not unlawful to have in car

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but later buying for other traffickers too –

ATF
him

conversations with other members of organization but not much talk with people above

F&F – 20 people – 3 leadership role, other mid-level/higher

PC for the straws --

ATF

Some cases – came with each other

Some cases – intercepted

Early on – only historical knowledge of purchases, no advance warning

Later

ATF

ATF

AUSAs directives to agents – minute can show that expensive purchase in hands of someone other than purchaser, good enough to take the guns – not going to make expensive purchase for someone else

Minute changed hands – went to take them

But surveillance not perfect – and guns per se legal so can't take them till see the exchange

Seized hundreds of guns

Difficult burden under 924 for seizure/forfeiture

ATF – been making large sales, reporting them for years

In this case – always made the sales, then reported them

As thinking about it – worrying that committing crimes – **ATF** – ATF agent, GS, two AUSAs – told cannot tell you OK to complete sale you think is unlawful – if know/have reason to know it's an illegal sale, we can't authorize you to make that sale – don't have authorization to complete illegal sale (know/reason to believe straw, prohibited, etc.)

2 categories of guns:

- Guns found out about after the fact
- Guns had prospective information about

Guns “walk” – in those circumstances where had prospective **ATF** sold with other guns –

Kind of gun they were buying – **ATF**

ATF

At time left store – not provably criminal – have to see what happens to gun

ATF tried to take every gun they could take

But not till later in the case that getting any prospective info about sales – most were historical information

Not consistent prospective info – **ATF** information from FFLs, etc.

ATF address appeared to be valid address based on car registration –

to ATF's knowledge – that was correct address – not outward indications that not his correct address

when agents called AUSA over period of months – always want to seize load, give PC, etc. – will you support us – USAO supported agents every single time – never told agent not to take guns when agent wanted to take the guns

agents would usually call in advance – plan in advance that as soon as transfer made, going to get them

some cases – wanted to take guns while still in person's possession

only time AUSA said can't take guns – agent: **ATF** bought guns, transported them, he is buyer, he says all for him, still has receipt, not **ATF** no evidence → no seizure – agent agreed with that decision