



**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

September 9, 2011

The Honorable Patrick Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

This responds further to the Questions for the Record (QFRs) of the Senate Judiciary Committee Hearing on May 4, 2011. We understand that you are interested in details of the circumstances in which firearms associated with Operation Fast and Furious, an investigation by the Bureau of Alcohol, Tobacco, and Firearms (ATF), were recovered in relation to crimes of violence.

For the purposes of responding to this question, we consider a firearm to be associated with Operation Fast and Furious if it was purchased by an individual who is a target of that investigation. It is important to note that many of the purchases described below took place before ATF opened the case that became known as Operation Fast and Furious on November 16, 2009; before the purchaser had been identified as a target of the investigation; or without ATF's knowledge at the time that the firearm was purchased.

ATF has compiled the information below from data provided by the National Tracing Center (NTC) in June 2011 and a review of Reports of Investigation (ROIs) from Operation Fast and Furious. ATF advises that, while it is providing the best information available at this time from these sources, ATF has not conducted a comprehensive, independent investigation into each incident and it is possible that there may be other such recoveries not reflected within this data.

United States Recoveries

Other than the firearms recovered at the scene of the shooting death of Agent Brian Terry, the single incident reflected in NTC trace data in which a firearm purchased by a target in Operation Fast and Furious was traced with a violent crime code in the United States was traced on May 26, 2011 by the Arizona Department of Public Safety (DPS). The firearm was a 7.62mm Romarm/Cugir GP WASR 10. The crime code was "Aggravated Assault on a Police Officer – Gun." ATF was not able to glean additional details about this incident from NTC trace data or ROIs. Other information available to ATF indicates that the firearm in question had been purchased in September 2009, before Operation Fast and Furious began, by an individual who has not been indicted in connection with the case. ATF also advises that information from DPS

indicates that, after an aggravated assault on a DPS officer, DPS recovered the firearm. Although DPS traced the firearm using the code above, the firearm was not used in the assault on the officer.

The Department's June 22, 2011 response to QFR 49(a) erroneously included a firearm that was not recovered in connection with a violent crime. Rather, the firearm, a .40 caliber Beretta PX4 Storm, was traced by the Phoenix Police Department on September 20, 2009 using a non-violent crime code. The firearm had been purchased on August 1, 2009, before Operation Fast and Furious began, by Francisco Javier Ponce, who was later indicted in the case. The error stemmed from the fact that this firearm appears to have been traced previously in May 2009 in relation to a violent incident, but before the gun was related in any way to Fast and Furious.

#### Mexico Recoveries

ATF estimates that there have been eight events in which guns purchased by targets in Operation Fast and Furious have been recovered in Mexico in relation to violent crime, although the firearms were traced using violent crime codes in only five of those events. Those events are as follows:

- On January 8, 2010, four firearms purchased by targets in Operation Fast and Furious were recovered in Baja California, Mexico. These were traced with the crime code "Kidnap/Ransom." Three of these firearms were 7.62mm Romarm/Cugir FPK Dragunovs that had been purchased by Sean Christopher Steward on December 14, 2009. One firearm was a 7.62mm Romarm/Cugir GP WASR 10 that had been purchased by Uriel Patino on November 24, 2009.
- On February 25, 2010, three 7.62mm Romarm/Cugir GP WASR 10 firearms purchased by targets in Operation Fast and Furious were recovered in Baja California, Mexico. Two of these firearms were traced with the crime code "Homicide – Attempted." Jacob Wayne Chambers and Joshua David Moore, who were ultimately indicted in Operation Fast and Furious, made these purchases on October 13, 2009 and October 31, 2009, respectively, before the investigation was opened. ATF is also including a third firearm that was traced with the non-violent crime code "Found Firearm," because it was recovered on February 25, 2010 in the same incident. This purchase was made by an individual who was not a target at the time of the purchase, and who has not been indicted in connection with Fast and Furious.
- On July 1, 2010, two 7.62mm Romarm/Cugir GP WASR 10 firearms purchased by targets in Operation Fast and Furious were recovered in Sonora, Mexico, following a violent exchange between two cartels. One of these firearms was traced twice, once with the code for "Homicide/Willful Kill – Gun" and once with the code for "Firing a Weapon." The other was traced with the code for "Homicide/Willful Kill – Gun." The first firearm had been purchased by Joshua David Moore on November 11, 2009, before Fast and Furious was opened. The other firearm was purchased in September 2009,

before the investigation was opened, by an individual who has not been indicted in connection with Fast and Furious.

- On July 26, 2010, a .50 caliber Barrett rifle purchased by a target in Operation Fast and Furious was recovered in Durango, Mexico, and traced with the code “Firing a Weapon.” This firearm had been purchased by Uriel Patino on March 19, 2010.
- On May 27, 2011, three 7.62mm Romarm/Cugir GP WASR 10 firearms purchased by targets in Operation Fast and Furious were recovered in Jalisco, Mexico and were traced with the code “Firing a Weapon.” Two of these firearms had been purchased by Jonathan Earvin Fernandez on August 5, 2010 and August 16, 2010, and one by Danny Cruz Morones on August 4, 2010.

ATF is aware of three other incidents in which firearms purchased by targets in Operation Fast and Furious were later traced with non-violent crime codes, but which ATF believes may have been recovered in relation to an incident of a violent nature.

- On November 14, 2009, eleven 7.62mm Romarm/Cugir GP WASR 10 firearms purchased by targets in Operation Fast and Furious were recovered in Atoyac de Alvarez, Mexico, after the Mexican Military rescued a kidnap victim. Ten of these firearms were traced with the code for “Weapons Trafficking.” One of these weapons, purchased before Operation Fast and Furious was opened, was not traced but was listed in the Suspect Gun Database as related to the Fast and Furious investigation. Six of these weapons had been purchased by Jacob Wayne Chambers—one on September 26, 2009, two on October 2, 2009, and three on October 7, 2009—before Operation Fast and Furious was opened. The five others had been purchased in September and October 2009 by individuals who have not been indicted in connection with Fast and Furious.
- On August 13, 2010, two 7.62mm Romarm/Cugir GP WASR 10 firearms purchased by targets in Operation Fast and Furious were recovered in Durango, Mexico, following a confrontation between the Mexican military and an armed group. These firearms were traced with the code for “Found Firearm.” One of these firearms had been purchased by Jacob Wayne Chambers on October 26, 2009, before the case was opened. The other had been purchased in October 2009 by an individual who has not been indicted in connection to Fast and Furious.
- On November 4, 2010, two 7.62mm Romarm/Cugir GP WASR 10 rifles purchased by targets in Operation Fast and Furious were recovered in Chihuahua, Mexico, after the kidnapping of two individuals and the murder of a family member of a Mexican public official. These firearms were traced with the code for “Firearm Under Investigation.” One had been purchased by Sean Christopher Steward on December 14, 2009, and the other by Uriel Patino on January 30, 2010.

The Honorable Patrick Leahy  
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We hope that this information is helpful. Please do not hesitate to contact this office if we may provide assistance with this or any other matter.

Sincerely,

  
Ronald Weich  
Assistant Attorney General

cc:

The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate