

**To:** Burke, Dennis (USAAZ)[Dennis.Burke@usdoj.gov]; Schmalzer, Tracy (SMO)[Tracy.Schmalzer@usdoj.gov]; Smith, Jessica A.[Jessica.A.Smith@usdoj.gov]  
**Cc:** Sherwood, Robert (USAAZ) <Contractor>[Robert.Sherwood@usdoj.gov]  
**From:** Hernandez, Rachel (USAAZ)  
**Sent:** Wed 3/9/2011 8:45:35 PM  
**Subject:** RE: Wide Receiver

**DP**

Feel free to call me about that or any other questions. Rachel

**Rachel C. Hernandez | Executive AUSA**

UNITED STATES ATTORNEY'S OFFICE | District of Arizona

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**From:** Burke, Dennis (USAAZ)  
**Sent:** Wednesday, March 09, 2011 1:21 PM  
**To:** Schmalzer, Tracy (SMO); Smith, Jessica A. (SMO)  
**Cc:** Sherwood, Robert (USAAZ) <Contractor>; Hernandez, Rachel (USAAZ)  
**Subject:** Re: Wide Receiver

Yep. I'm jumping on a plane, so Rachel, Robbie or Shelley can get you whatever you need. Walter Cronkite would never tolerate this.

Thx.

**From:** Schmalzer, Tracy (SMO)  
**Sent:** Wednesday, March 09, 2011 03:10 PM  
**To:** Burke, Dennis (USAAZ); Smith, Jessica A. (SMO)  
**Cc:** Sherwood, Robert (USAAZ) <Contractor>; Hernandez, Rachel (USAAZ)  
**Subject:** Re: Wide Receiver

Thanks Dennis. **DP** We have language for AG if/when he gets asked today.

When I get back to desk I'll go through in more detail may need to talk to you or the prosecutor in these cases before calling producer. (They've resisted most of our info on law,etc)

DP

DP

DP

**From:** Burke, Dennis (USAAZ)  
**Sent:** Wednesday, March 09, 2011 02:59 PM  
**To:** Schmalzer, Tracy (SMO); Smith, Jessica A.  
**Cc:** Sherwood, Robert (USAAZ) <Contractor>; Hernandez, Rachel (USAAZ)  
**Subject:** Fw: Wide Receiver

I hope you are sitting while reading this -- but CBS' recent pathetic hit job is factually flawed. I know -- so surprising.....

**From:** Clemens, Shelley (USAAZ)  
**Sent:** Wednesday, March 09, 2011 02:04 PM  
**To:** Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Sherwood, Robert (USAAZ) <Contractor>  
**Cc:** Cunningham, Patrick (USAAZ); Evans, John (USAAZ) 3  
**Subject:** RE: Wide Receiver

Operation Wide Receiver and ATF case are two different cases.

Wide Receiver is the case currently being handled by Laura Gwin from main justice. It was originally assigned to Dave Petermann, then Tom Ferraro (who was able ATF case), then two other AUSAs before it was assigned to Laura Gwin and finally indicted. There is no correlation between the two cases, and one case did not lead to the other.

ATF was opened by ATF as an investigation in May, 2008 by ATF Tucson after a tip was called in by the FFL. ATF attempted surveillance however there were problems. First, they

ATF

ATF

Agents located paperwork for approximately 10 guns in

Phoenix gun stores after July 2008.

Agents pulled border crossing data and found a date, July 29, 2008, where our two known suspects crossed into the US with a group of guys. Agents pulled 4473s looking for all of those names and came across numerous gun purchases from all of those individuals. They then did a

**ATF**

The agents and Joelyn did a great job of putting together a circumstantial case with absolutely no seizures. The defendants did purchase approximately 115 firearms from February 2008 to August 2008. All of those guns did make it into Mexico, but never as a result of the agents knowingly allowing them to cross. Every gun purchase was legal. There was no violation of law until they entered the POE with the intent of taking them into Mexico. They were charged with Conspiracy and making false statements during the purchase of firearms -straw purchasing. But none of the exchanges took place on US soil.

Here is the link for the news story. <http://www.cbsnews.com/video/watch/?id=7358389n>. About halfway through she references Wide Receiver by stating that they have a identified more than one operation where this strategy (letting guns walk into Mexico) was used in cases in the Tucson area. One case was Wide Receiver. She then breaks away stating that Tucson gun dealers say they were paid to be informants for ATF and encouraged to sell more weapons. Then Joelyn's complaint in Arizmendez pops up and she refers to language on page two as proof that we knowingly watched guns go into to Mexico. The language is " Further, ATF Special Agents conducted surveillance, recorded firearms transactions, and identified the dates and times that the conspirators herein crossed the international border either in vehicles or on foot." What this means is that they conducted surveillance on the stores, tried to follow them, lost them on two dates, and then identified the crossing using border crossing records, not that we surveilled them to the border and watched them cross.

Let me know if you need anything else on this case.

Shelley

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**From:** Scheel, Ann (USAAZ)  
**Sent:** Tuesday, March 08, 2011 4:46 PM  
**To:** Clemens, Shelley (USAAZ)  
**Subject:** FW: Wide Receiver

*FYI*

**Ann Birmingham Scheel**

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**From:** Sherwood, Robert (USAAZ) <Contractor>

**Sent:** Tuesday, March 08, 2011 4:09 PM

**To:** Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ); Hernandez, Rachel (USAAZ); Scheel, Ann (USAAZ)

**Subject:** Wide Receiver

I got a little bit of a download on Operation Wide Receiver from Tommy at ATF. The case agent was Brandon Garcia, who's now in New Mexico. We know already that 12 were indicted and it was a wiretap case. There was a total of 350 guns, but they only were able to seize approximately 60, which is probably why CBS wants to talk about it. Mostly AK-47 variants and ARs.

Tom said that when their suspected straw purchasers got their guns that ATF attempted in every case to interdict. But the strategy in this case was to try to do coordinated stops with ICE and CBP SOUTH of the border, which required cooperation of law enforcement from Mexico. Strategy was to target bigger fish than just the lower level people, I think. In some cases, agents got made and the guns got away, in others they got burned by their Mexican counterparts and guns got way. But a lot of guns got away. Tom said that Garcia was very adamant that they attempted to surveil and arrange stops in every shipment, but they got burned. The biggest interdiction that they got was actually via US Mail.

Tom seems to think that AG Holder is going to comment on this story tomorrow, but don't know where or how he's getting that.