



U.S. Department of Justice  
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 15, 2016

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

The Honorable Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Grassley and Chairman Chaffetz:

This responds to your joint letter to the Attorney General, dated January 20, 2016, regarding media reports that a firearm associated with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Operation Fast and Furious (Fast and Furious) was recovered in conjunction with the Mexican government's recent arrest of Joaquin Guzman-Loera (Guzman; commonly known as "El Chapo"). Your letter also requests updated information on recovery of firearms associated with Operation Fast and Furious (associated firearms) in the United States and Mexico, and an update on any recoveries known to have a nexus to an incident of violence. ATF has provided the following information in response to your requests.<sup>1</sup>

**Firearms Identified as Recovered During Guzman Arrest**

As you are aware, on the evening of January 8, 2016, the Mexican government announced that it had arrested Guzman. According to the Mexican authorities, the arrest resulted from a raid conducted on January 8, 2016, by the Mexican military (Marines) on a residential home in Los Mochis, Sinaloa, Mexico, during which five associates of Guzman were killed in an exchange of gunfire with the Marines, and one Marine was injured. The arrest generated

---

<sup>1</sup> As we have noted in our previous responses to your inquiries regarding recovery of firearms in Mexico, oftentimes information regarding such recoveries is derived from sources other than official reports from Mexican government authorities, including information informally received from Mexican law enforcement and/or media reports. For each of the recoveries identified below as having a nexus to a violent crime, we note the source of ATF's information and the limitations associated with that information.

widespread media coverage, including reports about weapons recovered in the Los Mochis residence. ATF did not participate in the operation leading to Guzman's arrest.

Shortly after the arrest, ATF offered its assistance to Mexican law enforcement in their ongoing investigation of Guzman, particularly with respect to any weapons recovered in the arrest operation. Although Mexican law enforcement declined immediate ATF assistance following the arrest, on or about January 11, 2016, Mexican law enforcement initiated firearm trace requests through the ATF's Sinaloa representative with respect to six firearms that Mexican law enforcement informally advised ATF had been seized from the Los Mochis residence during the arrest operation. Trace results established that none of these firearms were associated with Fast and Furious. On or about January 13, 2016, Mexican law enforcement initiated with the ATF's Sinaloa representative trace requests on two additional rifles identified by Mexican law enforcement as having been recovered from the Los Mochis residence. These rifles proved to be untraceable counterfeit M-16 variants that likewise were not associated with Fast and Furious. Mexican law enforcement submitted the non-violent crime code "weapons trafficking" and the criminal group "Sinaloa cartel" for all eight of these traces.

On January 15, 2016, Mexican law enforcement officials in Mexico City directly initiated (via eTrace) requests to trace an additional 11 firearms, using the non-violent crime code "firearm under investigation." These trace requests identified the associated criminal group as "Joaquin Guzman-Loera." ATF representatives in Mexico learned that Mexican law enforcement also had identified these 11 firearms as having been seized from the Los Mochis residence during the arrest operation, but unlike the previous eight firearms attributed to the operation, these firearms had been transported to Mexico City prior to submission for tracing. Hence, based on the combined trace submissions and informal discussions with Mexican law enforcement officials, ATF believes that Mexican officials seized a total of 19 firearms from the Los Mochis residence during the arrest operation.<sup>2</sup> The trace results and/or serial numbers and model descriptions for eight of the firearms submitted for tracing on January 15, 2016, established that none of these firearms were associated with Fast and Furious. The other three were .50 caliber rifles, one of which ATF found to be associated with Fast and Furious. ATF found that the other two were not found to be associated with Fast and Furious.<sup>3</sup> The one rifle found to be associated with Fast and Furious was purchased on July 8, 2010, by a person not known to ATF at the time of purchase, but who was later identified and became a subject of the Fast and Furious investigation. That subject was not indicted.<sup>4</sup> The original purchase of this

---

<sup>2</sup> According to informal information Mexican law enforcement has provided to ATF, additional weapons seized at the Los Mochis residence include four 40 millimeter grenade launchers, three 40 millimeter grenades, and one rocket propelled grenade.

<sup>3</sup> The original trace request that Mexican law enforcement submitted for one of these .50 caliber rifles did not include a full serial number. As a result, ATF originally was unable to trace the final .50 caliber beyond identification of the manufacturer. In February 2016, however, Mexican authorities allowed ATF to inspect the three .50 rifles. During this inspection, ATF agents were able to identify the full serial number of the rifle for which that information was incomplete in the original trace submission. Using the full serial number information, ATF was able to complete a full trace on that .50 caliber rifle and determine that it is not an associated firearm.

<sup>4</sup> As the Committees are aware, the Department does not publically disclose the identities of unindicted subjects or the serial numbers of firearms involved in criminal investigations.



firearm by a straw purchaser and the straw purchaser's transfer of the firearm to the firearm trafficking organization were both unlawful; ATF is unaware of any information linking this associated rifle with any other crime.

#### **Update on Other Recovered Firearms Associated with Fast and Furious**

As of January 28, 2016, 885 firearms purchased by targets of Fast and Furious have been recovered; 415 of these recoveries have occurred in the United States<sup>5</sup> and, based on trace requests from Mexican law enforcement, 470 appear to have been recovered in Mexico. Since our last update to your Committees, one additional firearm was recovered in the United States, and this firearm did not have a nexus to violent crime. Also, since our last update to your Committees, Mexican law enforcement has submitted trace requests for an additional 29 associated firearms identified as having been recovered in Mexico; none of these were coded as having been associated with violent crime. That said, on the basis of information other than trace requests – that is, information ATF received from Mexican officials or identified through media reports – ATF has identified circumstances relating to the recovery in Mexico of four of the 29 associated firearms, since our last update, that appear to have a nexus to a violent crime incident. The information that ATF has provided about those firearm recoveries is summarized as follows:

- On May 22, 2015, Mexican law enforcement recovered two associated firearms in Rancho Del Sol, Michoacán, Mexico, following a raid by the Mexican Federal Police (the Federal Police) on a rural ranch believed to be controlled by the Cartel de Jalisco Nueva Generacion. Both associated firearms were Romar/Cugir GP WASR-10 rifles. Mexican law enforcement submitted the associated firearms for tracing on May 26, 2015, with the non-violent crime code “carrying prohibited weapon.” According to incident reports the Federal Police made available to ATF, beginning on May 22, 2015, suspected Cartel members engaged the Federal Police in an extended gun battle at the ranch, resulting in the death of 42 suspects and one Federal Police officer. Per these reports, the Federal Police seized a total of 42 firearms in the incident (40 rifles; 2 handguns). The official incident reports reviewed by ATF did not indicate whether the associated firearms were discharged in the incident. Fast and Furious defendant Jesus Estrada Lopez purchased one of the associated firearms on June 5, 2009; Fast and Furious defendant Jonathan Earvin Fernandez purchased the second firearm on August 12, 2010. None of the other recovered firearms were associated with Fast and Furious.
- On May 29, 2015, Mexican law enforcement submitted for tracing an associated firearm that the trace request identified as having been recovered on May 15, 2015, in Obregon, Sonora, Mexico. The trace request used the non-violent crime code “firearm under investigation.” In early June 2015, ATF Mexico obtained copies of the police reports relating to the recovery. According to the police reports, the recovery and seizure of the

---

<sup>5</sup> As we have previously advised the Committees, 135 of the firearms recovered in the United States were not traced because they were seized during the course of the investigation. Consequently, the number of firearms recovered and successfully traced to date is 280.



associated firearm, a Romar/Cugir GP WASR-10 rifle, actually occurred on December 23, 2014, in conjunction with the arrest of an individual suspected of participating in an armed robbery that had occurred earlier that day in Tesopaco Rosario, Sonora, Mexico. According to the incident report, the associated firearm was located in the suspect's vehicle following his arrest. The incident report, however, did not indicate whether the associated firearm was used or discharged during the alleged armed robbery. Fast and Furious defendant Uriel Patino purchased the associated firearm on February 2, 2010.

- On August 7, 2015, an associated firearm was recovered by Mexican law enforcement in Parral, Chihuahua, Mexico, from an abandoned vehicle that had been reported as stolen. According to Mexican media reports and a law enforcement advisory (the advisory) issued by the Chihuahua State Police, the bodies of three shooting victims were located with the vehicle (one inside and two adjacent to the vehicle), and four firearms in addition to the associated firearm were found in or near the vehicle. The advisory also stated that two of the recovered firearms (a pistol and AR-15 rifle) were police-issued weapons that had been stolen from three Mexican municipal police officers who had been murdered on July 27, 2015, in the town of Valle de Zaragoza. In addition, the advisory stated that the state police suspected that the three shooting victims found on August 7, 2015, were involved in the murder of the police officers. On August 26, 2015, Mexican law enforcement submitted trace requests for the associated firearm, a Romar/Cugir GP WASR-10 rifle, and the two other (non-police issued) firearms, an AK-47 variant similar to the associated firearm, and an AR-15 model rifle. On the same date, ATF agents contacted the Chihuahua State Police to request investigative reports. The State Police informally advised ATF that based on "ballistics tests," the associated firearm was identified as having been used in the murder of the police officers. ATF requested that the Mexican law enforcement provide ATF with access to official reports regarding the murder of the police officers or recovery of the firearms, including any ballistic analysis conducted on the associated firearm or other firearms recovered in this incident. On February 5, 2016, Mexican law enforcement provided ATF with access to the report summarizing the ballistics analysis conducted on the three (non-police issued) firearms. According to the report, a forensic examiner obtained shell casings test-fired from each of the three recovered firearms, and conducted a ballistics comparison of those samples to shell casings recovered from the scene of the July 27, 2015 assault on the police officers. Based on that comparison, the examiner concluded that shell casings recovered from the assault scene had been fired by all three of the tested firearms, including the associated firearm.<sup>6</sup> Fast and Furious defendant Joshua Moore purchased the associated firearm on November 12, 2009, although ATF did not become aware that Moore had purchased firearms on November 12, 2009, until approximately December 18, 2009.

---

<sup>6</sup> The ballistics analysis did not include an examination of any projectile evidence from the assault on the officers. Consequently, it is not known which of the three firearms caused the fatal wounds to the officers.

The Honorable Charles E. Grassley  
The Honorable Jason Chaffetz  
Page 5

ATF and the Department deeply regret that firearms associated with Operation Fast and Furious have been used by criminals in the commission of violent crimes, particularly crimes resulting in the death of civilians and law enforcement officers. ATF accepts full responsibility for the flawed execution of Fast and Furious, and will continue to support Mexican law enforcement in efforts to recover and identify associated firearms.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik  
Assistant Attorney General

cc: The Honorable Patrick Leahy  
Ranking Member  
Committee on the Judiciary  
United States Senate

The Honorable Elijah E. Cummings  
Ranking Member  
Committee on Oversight and Government Reform  
U.S. House of Representatives