

NDRA — The New Push for a Con-Con • Practicing Medicine Without a License • Bane of the Barbary Pirates

June 6, 2011

The New American

THAT FREEDOM SHALL NOT PERISH

\$2.95



Project Gunrunner



Project Gunrunner

The federal Bureau of Alcohol, Tobacco and Firearms purposely allowed over a thousand guns – likely many thousands – to be sold to Mexican drug cartels.

by Andy Ramirez

For Border Patrol Agent Brian Terry and ICE Special Agent Jaime Zapata ...

It was 11 days until Christmas and Detroit-born Brian Terry was looking forward to leaving the U.S.-Mexico border at the end of the week for a holiday visit with his family in his home state of Michigan. He had joined the Border Patrol three and one-half years before and had quickly excelled, becoming a member of

the elite BORTAC (Border Tactical) Unit detailed out of the Naco, Arizona, station. A rugged, muscular, 6-foot-4 athlete, prior to the Border Patrol he had served four years in the U.S. Marine Corps — including a combat tour in Iraq during Desert Storm — had gone on to college, and then served nine years as a police officer in Lincoln Park, Michigan, a downriver suburb south of Detroit.

On the night of December 14, 2010, Agent Terry was on duty in the Rio Rico area of Southern Arizona about 15 miles

north of the U.S.-Mexico border. He and three fellow BORTAC agents were summoned to Peck Canyon, one of the many rural pathways alongside Interstate 19 that are notorious as transport routes for smugglers of drugs, humans, and other contraband. Peck Canyon is also notori-

Andrew “Andy” Ramirez is the founder and president of the Law Enforcement Officers Advocates Council and a regular correspondent on immigration and border security for Liberty News Network (www.libertynewsnetwork.tv/).

ous as an area plagued by Mexican bandits known as “rip crews” who prey not only on the smugglers and illegal aliens, but also on hikers, ranchers, local police, and Border Patrol agents. Robbery, rape, and murder have become the bandits’ stock in trade. As in so many other areas along our southern border, the rip crews are usually heavily armed, with full-auto machine guns. These areas are assigned to BORTAC Units, a sort of Special Forces for the Border Patrol, composed of tough, highly trained, well-armed, expert marksmen who know the terrain. They are the only units deemed capable of handling both the harsh physical environment and the vicious desperados that populate it.

Something went terribly wrong on that night in Peck Canyon. Agent Brian Terry’s BORTAC Unit reportedly confronted at least five bandits in the darkened ravine. Agent Terry was shot in the back (some reports say pelvis). He shouted he couldn’t feel his legs, and later fell unconscious prior to being pronounced dead. One of the bandits was wounded and captured, along with three other members of the gang. A fifth suspect was apprehended later by Santa Cruz County Deputy Sheriffs. It’s believed several other suspects, including the suspected murderer, escaped back into Mexico.

The murder of Agent Terry was a tragic blow to his family and friends, his fellow Border Patrol agents, and the entire border community. However, to the sorrow and

anguish that is natural to a violent death of this sort has been added a sense of frustration, outrage, and suspicion, as a number of troubling discrepancies and changes in the official story of the shooting event have developed. The official veil of secrecy, denial, and stonewalling that has descended over the case has caused members of Brian Terry’s family, members of Congress, and federal whistle-blowers to cry “coverup.”

The following points outline some of the major serious problems that have come to light in the aftermath of Agent Brian Terry’s death:

- Agent Terry’s BORTAC Unit was under orders to use non-lethal “beanbag” loads; the bandits responded with WASR-10s, a variant of the Russian AK-47 assault rifles.
- Firearms confiscated from the bandits turned out to be guns that had been delivered to the drug cartels via an operation of

Peck Canyon is also notorious as an area plagued by Mexican bandits known as “rip crews” who prey not only on the smugglers and illegal aliens, but also on hikers, ranchers, local police, and Border Patrol agents. Robbery, rape, and murder have become the bandits’ stock in trade.

the federal Bureau of Alcohol, Tobacco and Firearms (ATF) named Project Gunrunner.

- ATF agents, as well as the private firearms dealer who sold the guns to the Mexican cartel’s buyer at the ATF’s direction, had warned ATF higher-ups against continuing the program and had warned that the guns would be used for criminal purposes.
- Hundreds of guns (possibly thousands) sold to the Mexican cartel operatives under the ATF’s supervision remain unaccounted for and are presumed to be still in criminal hands.



Border Patrol Agent Brian Terry: “He was, by all accounts, an absolutely outstanding agent,” says Agent Brandon Judd, president of the agents’ union in Arizona, Local 2544. “He was everything you would want on this team.”



Agent Terry's BORTAC Unit was under orders to use non-lethal "beanbag" loads; the bandits responded with WASR-10s, a variant of the Russian AK-47 assault rifles.

- Department of Homeland Security Secretary Janet Napolitano declared that the U.S.-Mexico border is more secure than it has ever been, but does not explain how, if this is true, a group of heavily armed men (all of whom had previous criminal records and had been previously deported) was able to penetrate more than 15 miles into the United States, fire on Border Patrol agents with guns provided courtesy of the ATF, kill a BORTAC agent, and then (at least one of them, supposedly the killer) escape on foot all the way back across the border.

- Inexplicably, on February 15, 2011, the Justice Department announced it was deporting to Mexico three of the four assailants arrested in Peck Canyon, claiming to have determined they were not the trigger pullers in the Terry murder. (Most states have laws providing that when someone is killed in the commission of a crime, all the accomplices in the crime are guilty of murder — why not here?)

- On the same day, February 15, two special agents for the U.S. Immigration and Customs Enforcement Agency (ICE) detailed to the U.S. Consulate in Monterrey, Mexico, were shot in ambush; one was killed, the other seriously wounded — again with guns provided by the ATF's "anti-smuggling" operation.

- The one remaining suspect in custody in the Brian Terry murder case, Manuel Osorio-Arellanes, was arraigned on April 20, 2011 and indicted on several charges of illegal entry to the United States and firearms-related charges, but the indictment attributes the murder to two fugitives whose names are redacted.

Condolences and Coverups

"Our thoughts and prayers are with the Terry family for their tragic loss," said Customs and Border Patrol commissioner Alan Bersin, in a statement to the press after the murder. "Our commitment to

Agent Terry and his family is that we will do everything possible to bring to justice those responsible for this despicable act." Secretary Napolitano also extended condolences to Terry's family and likewise promised that federal, state, and local authorities would make sure "those responsible for this horrendous act are held responsible. We will leave no stone unturned as we seek justice for the perpetrators."

For family members, however, those reassuring words soon turned hollow. Carolyn Terry, Brian's stepmother, in an e-mail to Sen. Charles Grassley thanking him for pursuing an investigation into the ATF, said, "It's hard to accept that our son was shot and murdered with a gun that was bought in the U.S. We have not had any contact from the Border Patrol or any other agents since returning home on the 22nd [of January]. Our calls are not returned. I truly feel that our son's death is a cover-up and they hope that we will go away. That will not happen. We want to know who allowed the sale of that gun that murdered our son.... We are the victims of this case and we want some answers."

Brian's older brother, Kent Terry, said the other agents who were there that night told him that they were instructed to use the non-lethal beanbags first. It's a policy

that doesn't make sense to Kent Terry. "You go up against a bandit crew that is carrying AKs, and you walk out there with guns loaded with beanbags — I don't get it," Kent Terry said in an interview with the *Arizona Daily Star*. "It's like going to the Iraqi war with one knife. It boggles my mind.... These guys [Border Patrol agents] are professionals; they should be able to use their judgment call on their own."

A number of sources, who spoke under condition of anonymity owing to fear of agency retaliation, informed Liberty News Network/THE NEW AMERICAN (LNN/TNA) that the orders for the agents to use beanbag loads came from the since-disgraced and demoted former chief patrol agent of Tucson (and El Paso) sector Victor Manjarrez, Jr., in response to complaints by the Mexican government over an agent-involved shooting in July 2010 on the border between El Paso, Texas, and Juarez, Mexico.

After speaking with a number of sources, and given your correspondent's own years of personal experience in assessing how the Border Patrol operates, it is safe to conclude that current deputy commissioner and former chief of the Border Patrol David V. Aguilar was likely responsible for issuing such orders. Our sources all agree that given Aguilar's management style as a supreme micromanager who runs the Patrol with absolute control, there is no way that such an order would come



Sen. Charles Grassley (R-Iowa) speaks to reporters on Capitol Hill in Washington. Sen. Grassley says that "it's time for accountability" on ATF's Gunrunner.

AP Images

from Manjarrez alone. Such orders would have to originate with Aguilar.

It has also been reported that one of the illegal aliens, Manuel Osorio-Arellanes, was injured and airlifted out of the area by helicopter, while Agent Terry, though seriously wounded, was transported to a different location by ground, where he was pronounced dead. He was then transported to a Nogales mortuary.

Additionally, sources reported that there was a gag order placed on agents by headquarters in Washington. This means that agents were ordered not to talk about the incident with anyone, meaning members of Congress and their staffs, media personnel, civilians, and the like. However, this was not a legitimate effort to avoid “compromising an investigation.”

Seized after the firefight were two assault rifles (WASR-10), the most common firearm used by drug cartels and the easiest to acquire. The serial numbers on the guns were traced to a gun smuggler under surveillance by the ATF. It was at this point that the coverup picked up steam, as it now included ATF.

Agents in the Phoenix ATF office then blew the whistle and provided official documents exposing an operation named Project Gunrunner to U.S. Senator Charles Grassley (R-Iowa), ranking Republican member of the Senate Judiciary Committee. The documents were first published by David Codrey (*National Gun Rights Examiner*) and Mike Vanderboegh (Sipsey Street Irregulars).

What Is Project Gunrunner?

Project Gunrunner, the ATF claims, was an attempt by ATF to stem what they call an “iron river of guns” that is flowing from gun stores in the United States across the border into Mexico.

According to the ATF’s website, “ATF implemented Project Gunrunner in 2006 as a comprehensive strategy to reduce firearms and explosives related violent crime associated with Mexican criminal organizations operating in the U.S. and Mexico by preventing these organizations from unlawfully acquiring and trafficking firearms and explosives.”

The website also states, “Project Gunrunner’s objective is to deny Mexican drug cartels the tools of the trade, which they employ to murder rival drug traffick-



AP Images

Fallen comrade: Immigration Customs Enforcement Special Agent Victor Avila and his wife pay their last respects to Agent Jaime Zapata, who was killed with weapons provided to the Mexican drug cartels by the ATF.

ers, civilians, as well as political, military, and law enforcement figures in order to strengthen their grip on the lucrative drug and firearms routes into and out of the United States.”

However, since February 2008 under Project Gunrunner, operations “Fast and Furious,” “Too Hot to Handle,” “Wide Receiver,” and others (lampooned under the label “Operation Gunwalker”) have resulted in the opposite, as ATF was permitting and facilitating “straw purchase” firearm sales to gun traffickers. A straw purchase is when a buyer uses an intermediary (the “straw man”) to purchase firearms from a dealer, with the intent of hiding the identity of the real buyer. In essence, ATF allowed the guns to “walk” and be transported to Mexico.

Once guns were traced from the murder of Agent Terry to this ATF operation, a massive coverup began in earnest inside the Department of Homeland Security (DHS), as well as the Department of Justice (DOJ), which is the parent of ATF. It was at this point that agents got disgusted and risked their careers by informing Senator Grassley and sharing with media and retired agents alike, ensuring the story got out.

Senator Grassley then fired off a letter to acting ATF Director Kenneth Melson, confronting him with information provided by whistle-blowers regarding Project Gunrunner and the murder of Border Patrol Agent Brian Terry.

“There are serious concerns that the ATF may have become careless, if not negligent, in implementing the Gunrunner strategy,” wrote Sen. Grassley.

The Associated Press (AP) published an article containing a response letter to Sen. Grassley by Assistant U.S. Attorney General Ronald Weich, who declared, “The claim that firearms agents sanctioned or knowingly allowed the sale of assault weapons to straw buyers who then brought them to Mexico is false.”

Weich also included the following in his letter to Grassley: “We also want to protect investigators and the law enforcement personnel who directly contact them from inappropriate political influence. For this reason, we respectfully request that Committee staff not contact law enforcement personnel seeking information about pending criminal investigations, including the investigation into the death of Customs and Border Patrol Agent Brian Terry.” To experts, this is what is known as “lawyering up,” which means that the DOJ is instructing Congress not to talk with agents, using the bogus claim that it might “compromise their ongoing investigation.” The reality is that they’re fearful of agents telling Congress about mistakes and wrongdoing, including any coverup.

On February 9, 2011, Senator Grassley responded in a letter to Attorney General Eric Holder, which included the following: “ATF agents told my staff that the

Once guns were traced from the murder of Agent Terry to this ATF operation, a massive coverup began in earnest inside the Department of Homeland Security (DHS), as well as the Department of Justice (DOJ), which is the parent of ATF.

agency allowed the sale of assault rifles to known and suspected straw purchasers for an illegal trafficking ring near the southwest border. Authorities allegedly recovered two of those weapons at the scene of a firefright near the southwest border on December 14, 2010. Customs and Border Protection Agent Brian Terry lost his life in that firefright and may have been killed with one of those two rifles.”

Grassley further stated: “If not for the bravery and patriotism of law enforcement personnel who were willing to put their careers on the line, this Committee would have been forced to rely on nothing more than rumors in the blogosphere and a Justice Department denial to resolve these allegations.”

DOJ and ATF provided a “staff brief-

ing” on February 10, 2011, and Senator Grassley sent a new letter to Attorney General Eric Holder on February 16, thanking him for the staff briefing while noting that briefers focused on general issues. The Senator then listed several requests that he required be answered by February 23 by the Justice Department.

The request asked for records and communications between the ATF and the federal firearms licensee who sold the weapons to suspect Jaime Avila, as well as all records of communications between ATF headquarters and the Phoenix special agent in charge (SAC) William Newell, including a 30-page memo from Newell to HQ following the arrest of Avila and the murder of BP Agent Terry. Additional documents requested included “copies of all emails related to Fast and Furious, the arrest of Jaime Avila, and the death of Agent Terry to and from SAC Newell, Assistant Special Agent in Charge (ASAC) George Gillette, Group 7 Supervisor, or the Case Agent between November 1, 2009 and January 31, 2011.”

A series of letters requesting informa-

tion continued to be sent by Senator Grassley to DOJ and ATF, and by early March, he began requesting info from U.S. Customs and Border Protection (CBP) commissioner Alan Bersin at Homeland Security regarding Gunrunner and incidents involving Avila and CBP.

On March 24, 2011, after facing repeated stonewalling by the administration, Senator Grassley’s office released a statement to the media demanding accountability regarding Project Gunrunner. It stated: “No longer can this administration stand idly by and answer every question by saying that the Justice Department Inspector General is investigating. There is too much at stake. U.S. agents may have been killed because of a tragically ill-advised policy.” It stated further: “The President said a serious mistake may have been made here, and that, if so, he would hold someone accountable. It is clearer every day that serious mistakes were made. Now it’s time for accountability.”

Officials at the ATF, DOJ, CBP, and DHS all continued to stonewall Senator Grassley, so by April 1, 2011, U.S. Representative Darrell Issa, Chairman of the House Committee on Government Reform and Oversight, issued subpoenas requesting information from ATF and DOJ concerning Project Gunrunner, aka Operation Fast and Furious.

Who Knew — and When?

In late March, President Obama did an interview with reporter Jorge Ramos of Univision, in which he claimed that neither he nor Attorney General Eric Holder had authorized the operation.

When queried by Ramos, this was his response:

President Obama: “Well, first of all I did not authorize it. Eric Holder, the Attorney General, did not authorize it. He’s been very clear that our policy is to catch gun runners and put them into jail. So what he’s done is he’s assigned an I.G., an inspector general, to investigate what exactly happened.

When Ramos asked Obama if he was at least informed about Operation Gunrunner, he responded: “Absolutely not, this is a pretty big government, the United States



AP Images

More blood and anguish: A woman is held back by police as she reacts while seeing a relative lying dead on the ground after he and another man were killed by gunmen in the northern border city of Ciudad Juarez, Mexico, on December 14, 2010.



ATF whistle-blower Agent Jay Dobyns (right) appeared on Judge Andrew Napolitano's Fox News program to expose and denounce the ATF and DOJ for providing guns to the drug cartels.

government. It's got a lot of moving parts." Unless it was hidden in order to provide Obama with "plausible deniability," this reporter finds his lack of knowledge about an operation of this magnitude and concerning an issue he has made a major priority (stopping gun-running to Mexico) highly dubious.

Senator Grassley also questioned DHS Secretary Napolitano, when she appeared before a Senate committee. She denied knowledge of Project Gunrunner. Considering that there was apparently at least one ICE agent in the Phoenix area detailed to working with the ATF in the operation, the Secretary's denial of any involvement in or knowledge of the operation is also dubious. The decision to allow large numbers of guns to "walk" is a big call; field operatives and their regional superiors do not initiate such policies. Allowing illegal sales on this scale and allowing them to "walk" would require an OK from Washington. Senator Grassley has revealed that ATF records show 1,318 semi-automatic weapons were sold to the Mexican cartels through 15 buyers, while the ATF monitored and allowed the sales to go through. Only 250 of those guns were recovered. "And that's just from these fifteen straw buyers — the ATF enabled this pattern to recur many more times through additional buyers and guns," Grassley noted in a May 4 press statement. Which means there may be many thousands, perhaps tens of thousands, more weapons in criminal hands due to this federal ATF program.

After months of being stonewalled and lied to by the DOJ and ATF, Senator Grassley began taking off the gloves. He had documents and testimony from ATF whistle-blowers. In a March 8 letter to Kevin Perkins, chair of the Integrity Committee Council of Inspectors General on Integrity and Efficiency, Grassley noted that ATF Agent John Dodson and more than a dozen other ATF agents "have alleged that the ATF intentionally allowed thousands of weapons to be illegally trafficked to Mexico." And, he continued, "ATF appears to have acted with the full knowledge and approval of the Justice Department."

So, let's get this straight: The official line out of Washington is that nobody in charge knows anything about this longstanding program that put guns in the hands of cartel assassins? President Obama knew nothing. Attorney General Holder knew nothing. Secretary Napolitano knew nothing. Apparently the Obama administration has restarted the 19-century Know Nothing Party!

But a lot of folks aren't buying the "know nothing" excuse: members of the Terry family, ATF agents, Sen. Grassley — and Rep. Issa, who chairs the House Oversight Committee. "This looks an awful lot like Iran Contra," Issa said in a recent interview with radio talk-show host Rick Amato. "When a government agency makes a mistake they stall, delay and cover up. That's what's happening here."

Issa has seen enough evidence to be convinced that the decision to allow guns

to "walk" into Mexico was one made in Washington, not in local ATF offices, as D.C. officialdom contends.

"We're not done but what we do know is that the decision for this was not made in Tucson or El Paso or anywhere else," he said. "It was made in Washington."

ICE Agents Ambushed in Mexico With Gunrunner Weapons

On February 15, 2011, Jaime Zapata and Victor Avila, special agents for the U.S. Immigration and Customs Enforcement Agency, were returning to the U.S. Embassy in Mexico City from a meeting in Monterrey, Mexico, when they were ambushed by what were suspected to be members of the dangerous Zetas cartel. Agent Zapata died on the scene, while Agent Avila was evacuated as soon as possible to a Houston-area hospital.

According to court documents, a joint U.S.-Mexican investigation has identified a Romanian AK-47 pistol, called a "Draco," as being one of three guns used in the attack. U.S. federal investigators traced the gun to one Otilio Osorio, a 22-year-old resident of Lancaster, Texas. According to the indictment filed against Osorio, he bought the gun October 10, 2010, at a Joshua, Texas, firearms retailer. ATF agents arrested Osorio, along with his brother Ranferi Osorio, age 27, and a neighbor, Kelvin Leon Morrison, for "firearms violations," meaning illegal straw purchases.

Cui Bono? To Whose Benefit?

In this reporter's talks with active-duty and retired federal agent sources, everyone was troubled by the same nagging question: What was being gained on an intel-gathering level by Gunrunner to warrant the incredible dangers posed by the program? The answer, they know only too painfully, is that absolutely nothing of value was being learned. After all, the ATF already knew what guns were being sold to the cartels, where the sales originated, and who was ultimately purchasing these firearms.

Which begs the question: Could the claimed intel-gathering project be a ruse to accomplish something else entirely? In our discussions with active-duty and retired federal agents, several (who understandably did not want to be quoted) speculated

that the federal government may actually want to supply weapons to criminal elements in Mexico for the purpose of tracing the weapons back to the United States and then blaming gun violence on the United States and undermining our Second Amendment. Incredible? Consider that the U.S. government, particularly in the wake of the 9/11 terror attacks, has increasingly viewed the American people as terror suspects, as exhibited by such policies as the new intrusive searches at our airports and warrantless electronic searches of our e-mails and other communications. Undermining the right to keep and bear arms would certainly fit the increasingly transparent and dangerous trajectory toward police-state powers in the name of combating the terrorist threat.

It must be kept in mind, too, that the Obama administration and the Mexican government have been running a major propaganda campaign claiming that the vast majority of guns seized and traced in Mexico have originated in the United States. The anti-gun liberal-left media constantly thump this theme, claiming it is the easy availability of guns in the United States that is responsible for the violence and mayhem in Mexico. Of course, you can guess what their “solution” to this “crisis” is: much more repressive controls on the rights of private citizens to own firearms.

However, in a March interview with Congressman Steve King (R-Iowa), we discussed how the actual amount of guns confiscated from criminals in Mexico and traceable to U.S. origins, as revealed in congressional testimony, was about 17 percent of the total, which is far from the “vast majority” claimed by the administration, Mexico City, and the media. And how much of that 17 percent from the United States was provided by the ATF through its Gunrunner programs?

In reality, the vast majority of firearms being seized are from communist China, North Korea, former Warsaw Pact allies of the former Soviet Union, and the Middle East. Most common among the firearms are AK-47s and WASR-10s, which are manufactured overseas, not in the United States.

A dramatic development in this story occurred as we were preparing to go to press. On May 10, Judge Andrew Napolitano interviewed ATF Agent Jay Dobyns



AP Images

Denial and coverup: Attorney General Eric Holder and Homeland Security Secretary Janet Napolitano appear at a news conference on cross-border crime on November 10, 2010.

on his FOX News program. Agent Dobyns is one of the ATF’s highest profile agents, having made a name as an intrepid undercover operative within the Hells Angels, an assignment that put him and his family on the death list of the Hells Angels and other gangs. He is the author of the *New York Times*’ best-selling autobiography, *No Angel — My Harrowing Undercover Journey to the Inner Circle of the Hells Angels*. “What happened in Project Gunrunner,” Dobyns told Napolitano, “is that a violation of our mandate took place. We are told by Congress to stand in the way of violent crime and to prevent guns getting into the hands of criminals and during Gunrunner, ATF did exactly the opposite of that and armed the enemy.”

“That plan, the flawed plan,” said Dobyns, “resulted in the deaths of hundreds of Mexican citizens and the death of Border Patrol Agent Brian Terry.” Agent Dobyns also alleged that “the president and the attorney general are aware of the conclusions that those guys [ATF’s Arizona officials William Newell and George Gillette] operate ATF’s business in a reckless and dangerous way, and they did nothing about it.”

What is not lost on law-enforcement professionals is the fact that Border Patrol Agent Brian Terry and ICE Spe-

cial Agent Jaime Zapata were murdered (just two months apart) and Agent Avila was wounded with guns that the ATF not only knew about and monitored, but actually authorized for sale to the drug cartel straw men — in spite of protests at least one of the gun dealers and the ATF’s own agents that these guns would be used to harm and kill.

One can only wonder who will be selected as the scapegoat and told to fall on his sword, thus allowing President Obama to move on, unblemished again in the minds of the mainstream media and his supporters.

But where is the justice for Agents Terry and Zapata and their families? According to Brian Terry’s sister, Michelle Terry-Balogh, Brian was completely dedicated to his job and “lived to protect his country.” How many more agents have to die for doing their job, and for politics? Public outrage over Project Gunrunner may force Congress to finally hold high administration officials accountable, for one fact is abundantly clear: The blood is on their hands. ■



EXTRA COPIES AVAILABLE

◆ Additional copies of this issue of THE NEW AMERICAN are available at quantity-discount prices. To place your order, visit www.shopjbs.org or see the card between pages 34-35.