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Lawmakers Step Up Probe of Gun Trafficking Operation

A Justice Department office that oversees criminal probes signed off on wiretaps used in a gun trafficking investigation that is the subject of growing controversy over tactics that allowed guns bought in the U.S. to enter Mexico illegally.

The finding is from documents released Wednesday by Rep. Darrell Issa (R., Calif.), chairman of the House Oversight and Government Reform Committee. It's the first document released so far that indicates high-level Justice Department involvement in the operation.

Mr. Issa has been investigating the Justice Department's Bureau of Alcohol Tobacco Firearms and Explosives' conduct in the investigation, dubbed "Operation Fast and Furious," which was run out of the U.S. Attorney's and ATF's Phoenix offices. The documents, however, do not indicate that anyone beyond local Phoenix ATF and Justice Department officials knew specifics about the tactics being used.

Republican lawmakers see the makings of a political scandal as they press Attorney General Eric Holder to explain why ATF agents in Phoenix lost track of guns they were supposed to be monitoring, letting the weapons pass into the hands of Mexican cartels and perhaps be used to kill U.S. officials.

One particular case has drawn scrutiny: a December shooting in Arizona that killed a U.S. Border Patrol agent. Authorities suspect traffickers or bandits operating near the border killed the agent. Weapons recovered near the scene were traced to a suspect who was already under investigation by the ATF, according to documents released by congressional investigators.

The ATF documents released by Mr. Issa include a January 2010 memo that details the operation, which centered on allowing straw purchasers to buy weapons, mostly variants of AK-47s rifles, in hopes of following the weapons to top Mexican cartel gun smugglers. The ATF memo says that Phoenix U.S. Attorney Dennis Burke and ATF Phoenix chief William Newell "both are in full agreement with the current investigative strategy."

The January 2010 memo also notes that ATF agents were advised by Phoenix prosecutors at the time that there wasn't enough evidence to prosecute targets of the probe and that "additional firearms purchases should be monitored and additional evidence" gathered.

The March 2010 Justice Department wiretap approval came from the office of Lanny Breuer, assistant attorney general who heads the criminal division. It was signed by one of his deputies, Kenneth Blanco. The office handles a large volume of such requests and the Justice Department says a wiretap approval doesn't include a review of investigative tactics.

Tracy Schmalzer, Justice Department spokeswoman, said the wiretap approvals are "a narrow assessment of whether a legal basis exists to support a surveillance request that ultimately goes before a judge for decision. These reviews are not approval of the underlying investigations or operations."

Iowa Sen. Charles Grassley, the top Republican on the Senate Judiciary Committee and who is also investigating the ATF operation, questioned Mr. Holder about the operation at a hearing today. In a letter

to Mr. Holder, also released today, Mr. Grassley added a hand-written post-script that read: "You should check to see if you are getting accurate information from your staff. You might be ill-served."

Mr. Grassley on Wednesday released ATF documents that show that the targets of the Phoenix probe purchased 1,318 weapons after ATF agents began monitoring them, and a total of 1,725 in 2009 and 2010 before and during monitoring.

At a House hearing Tuesday, Mr. Holder said the Justice Department's policy is to stop weapons from being trafficked to Mexico. "Under no circumstances should guns be allowed to be distributed in an uncontrolled manner," he said, describing his instructions to ATF and other agencies under his charge.

In the aftermath of the controversy, James Cole, deputy attorney general, issued a directive saying: "We should not design or conduct undercover operations which include guns crossing the border," according to a Justice Department memo circulated to agents March 10, 2011. That document was also released by Mr. Issa.

Mr. Issa asked Mr. Holder whether he or top lieutenants were aware of the tactics. Mr. Holder said he became aware of the probe only in recent weeks. In a letter to lawmakers in April, the Justice Department said the probe was approved by the Phoenix U.S. attorney, the local ATF office and a regional task force to combat organized and drug crimes.

The Fast and Furious operation targeted top gun traffickers who are believed to funnel weapons bought in Texas, Arizona and other border states to Mexican drug cartels. The traffickers often depend on a network of buyers who are paid to purchase guns in small quantities.

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