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**From:** Schmalzer, Tracy (SMO)  
**To:** Axelrod, Matthew (ODAG); Reich, Steven (ODAG); Weich, Ron (SMO); Burton, Faith (SMO); Wilkinson, Monty (OAG); Richardson, Margaret (SMO); Colborn, Paul P (SMO)  
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Follow up on Melson/Traver.

DP

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## Darrell Issa Poised To Get First Win In ATF Fast And Furious Scandal

Ryan J. Reilly | June 20, 2011, 5:45AM

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Oversight Committee Chairman Darrell Issa (R-CA) seems poised to collect his first scalp. The Obama administration wants to oust Ken Melson as head of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) over the troubled anti-gun-trafficking program called Fast and Furious, the *Wall Street Journal* reported late Friday.

Issa's committee released an email last week that showed that as deputy director of the agency, Melson was closely monitoring the Fast and Furious operation -- an effort to stop the flow of weapons from the U.S. to Mexican drug cartels. One email from ATF described a request Melson made for a web link so he could watch from hidden cameras in the gun stores that were cooperating with the operation.

Issa held two hearings last week examining ATF's strategy of letting guns "walk" by instructing cooperating gun dealers to sell to people they suspected were straw purchasers in the hopes of building cases against major arms smugglers. He released a report revealing that ATF agents were deeply divided over the agency's risky tactic of letting gun sales to suspected straw purchasers proceed.

ATF had been struggling to curb the flow of weapons from the United States into the hands of drug cartels in Mexico, with the Justice Department Inspector General knocking their program for only going after low level straw purchasers. But the report noted the numerous obstacles that agents face.

The suspicious purchases were not, in and of themselves, illegal because there is no federal statute banning individuals from purchasing weapons for someone else. The only thing they can be brought up on is a so-called "papers" charge for lying on a federal form.

The charges that are brought against straw purchasers are extremely difficult to prove, former ATF agents have said.

In one 2008 case, a federal judge ruled that a case against a man who allegedly purchased over 400 weapons in 18 months (what he called "a rather breathtaking number") couldn't proceed because the jury shouldn't be allowed to infer that he was trying to make a business out of it.

Issa made clear at his Wednesday hearing that he's not interested in a reexamination of the nation's gun laws, telling ATF agents testifying before his committee that they could "anecdotaly" offer their opinions on gun laws, but said their views "would not be considered valid testimony."

While the *Wall Street Journal* article didn't lay out the exact timeline for when Melson could be asked to step down, Attorney General Eric Holder and Deputy Attorney General James Cole are meeting with Andrew Traver, the head of the ATF's Chicago office on Tuesday. Traver was nominated to head ATF in the fall, but his nomination stalled in the face of opposition from the NRA because it didn't like the tone of a news segment he appeared in and because he appeared on a panel hosted by a group it didn't like.

"I sat at my computer when this guy's name was first brought up and Googled him," NRA's top lobbyist Chris Cox said.

Melson was appointed as acting director of ATF by President Barack Obama, but his position was downgraded to deputy director under rules regulating executive appointments. He previously served as Executive Office of United States Attorneys, a post he was appointed to by former Attorney General Alberto Gonzales.