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**From:** Swartz, Bruce (CRM)  
**To:** Attorney General Schmalzer, Tracy (OPA)  
**Sent:** 10/4/2011 11:08:00 PM  
**Subject:** Re: AP sources: Bush-era probe involved guns 'walking'

Great

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**From:** Attorney General  
**To:** Schmalzer, Tracy (OPA) (JMD)  
**Cc:** Swartz, Bruce  
**Sent:** Tue Oct 04 16:18:41 2011  
**Subject:** RE: AP sources: Bush-era probe involved guns 'walking'

WOW!

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**From:** Schmalzer, Tracy (OPA)  
**Sent:** Tuesday, October 04, 2011 4:12 PM  
**To:** Privacy  
**Subject:** AP sources: Bush-era probe involved guns 'walking'

**AP sources: Bush-era probe involved guns 'walking'**

By PETE YOST, Associated Press – 1 hour ago

WASHINGTON (AP) — The federal government under the Bush administration ran an operation that allowed hundreds of guns to be transferred to suspected arms traffickers — the same tactic that congressional Republicans have criticized President Barack Obama's administration for using, two federal law enforcement officials said Tuesday.

Rep. Darrell Issa, R-Calif., Sen. Chuck Grassley, R-Iowa, and other Republicans have been hammering the Obama Justice Department over the practice known as "letting guns walk," or leave law enforcement custody to trace their sales. Their target has been Operation Fast and Furious, which was designed to track small-time gun buyers at several Phoenix-area gun shops up the chain to make cases against major weapons traffickers.

When Bush, a Republican, was president, the Bureau of Alcohol, Tobacco, Firearms and Explosives in Tucson, Ariz., used a similar enforcement tactic in a program it called Operation Wide Receiver. The fact that there were two such ATF investigations years apart in separate administrations raises the possibility that agents in still other cases may have allowed guns to "walk" rather than seizing them.

Federal law enforcement officials familiar with the matter say Operation Wide Receiver began in 2006 after the agency received information about a suspicious purchase of firearms. The investigation concluded in 2007 without any charges being filed.

After Obama took office, the Justice Department reviewed Wide Receiver and discovered that ATF had permitted guns to be transferred to suspected gun traffickers, according to the officials, who spoke on condition of anonymity because the practice is under investigation by Congress and the Justice Department inspector general's office.

In a statement, Grassley, the ranking Republican on the Senate Judiciary Committee, said that "whether it's Operation Fast and Furious, Operation Wide Receiver, or both, it's clear that guns were walked, and people high in the Justice Department knew about it. There's no excuse for walking guns, and if there are more operations like this, Congress and the American people need to know."

Following the discovery that agents in Tucson let the guns "walk," a tactic which has long been against Justice Department policy, the department under Obama decided to bring charges against those who had come under investigation in 2006.

To date in Wide Receiver, nine people have been charged with making false statements in acquisition of firearms and illicit transfer, shipment or delivery of firearms. Two of the nine defendants have pleaded guilty and a plea hearing is scheduled for Oct. 13 for two other defendants.

Last October, a Justice Department lawyer, Jason Weinstein, raised concerns about investigative methods in Operation Wide Receiver and about the timing of announcing indictments in both Wide Receiver and Fast and Furious.

"It's a tricky case given the number of guns that have walked, but it is a significant set of prosecutions," Weinstein wrote in a Justice Department email turned over to Congress, which released the document.

Weinstein raised the question in asking whether Lanny Breuer, the assistant attorney general who runs the Justice Department's criminal division, should participate in a news conference when indictments in Fast and Furious and the case resulting from Wide Receiver were unsealed.

The two federal law enforcement officials said Weinstein's language about "a tricky case" referred to Wide Receiver, not Fast and Furious.

In an emailed reply to Weinstein, James Trusty, at the time deputy chief in the gang unit at the Justice Department, said "it's not going to be any big surprise that a bunch of US guns are being used in MX (Mexico), so I'm not sure how much grief we get for 'guns walking.' It may be more like, 'Finally, they're going after people who sent guns down there.'"

The two law enforcement officials said the language of Trusty's email also refers to the Tucson case, not Fast and Furious.

Trusty's email adds "I think so" on the question of whether Breuer should participate in a press conference, but Trusty adds that "timing will be tricky too."

It continued: "Looks like we'll be able to unseal the Tucson case sooner than the Fast and Furious (although this may be just the difference between Nov and Dec). It's not clear how much we're involved in the main F and F case, but we have Tucson and now a new, related case with (deleted) targets."

The Justice Department blacked out the number of targets in this apparent related third case before turning the email over to congressional investigators on the House Oversight and Government Reform Committee.

Fast and Furious was a response to longstanding criticism of ATF for concentrating on small-time gun violations and failing to attack the kingpins of weapons trafficking. A congressional investigation of the program has turned up evidence that ATF lost track of many of the more than 2,000 guns linked to the operation.

Operation Fast and Furious came to light after two assault rifles purchased by a now-indicted small-time buyer under scrutiny in the operation turned up at a shootout in Arizona where Customs and Border Protection agent Brian Terry was killed.

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