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**From:** Attorney General  
**To:** Schmalzer, Tracy (OPA); Grindler, Gary (OAG); Richardson, Margaret (OAG)  
**Sent:** 10/3/2011 11:57:54 PM  
**Subject:** Re: WSJ -Justice Emails Show Officials Discussing Gun Probe

Let's look at that as well.

Have some other thoughts we can discuss.

----- Original Message -----

From: Schmalzer, Tracy (OPA)  
Sent: Monday, October 03, 2011 11:56 PM  
To: Attorney General Grindler, Gary (OAG); Richardson, Margaret (OAG)  
Subject: Re: WSJ -Justice Emails Show Officials Discussing Gun Probe

Also -- Issa's preamble in his q to you at this hearing teed up the guns walking allegations making his claim of an inconsistency even less credible. (He left that out when pushing to reporters ).

----- Original Message -----

From: Attorney General  
Sent: Monday, October 03, 2011 11:30 PM  
To: Schmalzer, Tracy (OPA); Grindler, Gary (OAG); Richardson, Margaret (OAG)  
Subject: Re: WSJ -Justice Emails Show Officials Discussing Gun Probe

Sigh. Can I see the 2 reports mentioned below- sure I didn't read them. I rarely do. The February e-mail shows that was my first real F/F knowledge.

----- Original Message -----

From: Schmalzer, Tracy (OPA)  
Sent: Monday, October 03, 2011 11:16 PM  
To: Attorney General Grindler, Gary (OAG); Richardson, Margaret (OAG)  
Subject: WSJ -Justice Emails Show Officials Discussing Gun Probe

He's updating the parenthetical to say DOJ has made clear its POLICY is \*not\* to allow guns to walk.

OCTOBER 3, 2011, 9:11 P.M.  
Justice Emails Show Officials Discussing Gun Probe

By EVAN PEREZ

WASHINGTON—Senior Justice Department officials in 2010 discussed concerns about a sensitive firearms-trafficking probe that allowed guns to be smuggled to suspected Mexican drug traffickers, newly released emails show.

The documents were released as part of a Republican congressional probe led by Rep. Darrell Issa, of California, chairman of the House Oversight and Government Reform Committee, and Sen. Charles Grassley of Iowa.

The two lawmakers have been looking into Operation Fast and Furious, a gun probe run by the Phoenix office of the Bureau of Alcohol, Tobacco, Firearms and Explosives in 2009 and 2010. It allowed sales of about 2,000 guns to suspected smugglers. The aim was to prosecute top traffickers, but many of the firearms have turned up at crime scenes in Mexico and the U.S., and hundreds more are unaccounted for.

In an October 2010 email, Jason Weinstein, deputy assistant attorney general in the Justice Department's criminal division, asks another official whether to have his boss, Lanny Breuer, the assistant attorney general, hold a news conference when cases from Fast and Furious and an

earlier probe are ready for prosecution.

"It's a tricky case given the number of guns that have walked but it is a significant set of prosecutions," Mr. Weinstein writes.

Congressional investigators say the email refers to Fast and Furious and shows Mr. Weinstein acknowledging the use of tactics allowing guns to "walk," or remain in the hands of suspects while an investigation continues.

The Justice Department disputes this, and says Mr. Weinstein is referring to the earlier ATF Tucson investigation, called Wide Receiver, which used similar tactics and allowed the sales of more than 400 guns to suspected smugglers from 2006 to 2008. Mr. Breuer ultimately didn't hold a news conference.

The newly released emails don't settle the dispute between the department and its Republican congressional critics over how much top Justice officials knew about ATF investigative tactics that both sides say were ill-advised.

(Justice officials have denied the ATF tactics in Fast and Furious intentionally allowed guns to "walk.")

Mr. Weinstein didn't immediately respond to a request for comment.

Other documents released Monday are briefing memorandums to senior Justice leaders, including Attorney General Eric Holder and Mr. Breuer, in March and July 2010 that mention Fast and Furious. The memos don't mention the tactics used in the operation.

Mr. Holder said at congressional hearings earlier this year that he first heard about Fast and Furious earlier this year after congressional criticism became public.

The Justice Department says the memos were routine updates that included numerous other cases. It says neither Mr. Holder nor other top officials knew of the ATF investigative tactics that allowed weapons to be smuggled to suspected traffickers.

Mr. Holder in recent months ousted the top ATF official and the top federal prosecutor in Arizona amid fallout from Fast and Furious.

In response to Mr. Weinstein's email, James Trusty, acting chief of the organized crime and gang section, wrote: "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...'"