

## What We've Learned From Operation "Fast and Furious", Part 2

Edward D. Duvall  
29 Jan 2012

Mr. Dennis Wagner of *The Arizona Republic* has once again performed a valuable public service in his 29 Jan 2012 article [1] regarding "Operation Fast and Furious". It is a follow-up to his 27 Nov 2011 article [2], which was the subject of my first essay on this matter (4 Dec 2011).

In the 29 Jan 2012 article, Mr. Wagner recounts the career of Dennis K. Burke, who was the U. S. Attorney for the state of Arizona throughout the entire period that "Operation Fast and Furious" was being conducted by the BATFE. Apparently Mr. Burke knew about the Operation early on. Prior to becoming U. S. Attorney, Mr. Burke served as a law clerk for a justice on the Arizona Supreme Court, and as a staff lawyer on the U. S. Senate Judiciary Committee. During that time, he was influential in drafting what eventually become the Violent Crime Control and Law Enforcement Act of 1994 (which banned possession of certain semiautomatic rifles and magazines). He later worked with Rahm Emmanuel in the Clinton administration on firearms issues, including discussions on extending background check requirements under the Brady Handgun Violence Protection Act through the use of executive orders. Mr. Wagner cites a 1997 article published in the *Arizona Business Gazette*, in which Mr. Burke said that gun control was his most fulfilling accomplishment in government service. Just what we need: government officials devoted to, and proud of, their role in the destruction of the rights of citizens.

President Obama nominated Mr. Burke for U. S. Attorney for Arizona in 2009; it is not known if Mr. Burke's sterling citizen disarmament record influenced the selection or not. Suffice to say, it was a fortuitous choice for Mr. Obama.

Mr. Wagner's article lays out a very important timeline. The gun battle leading to the death of Border Patrol Agent Brian Terry occurred on 14 Dec 2010. The BATFE investigated the incident, and as a result, Mr. Wagner's article states: "Within hours, Burke was notified that two guns found at the scene were linked to Fast and Furious". Then some BATFE agents leaked details to Congress, followed by Senator Grassley's letter in Jan 2011 in which he accurately stated BATFE's actions, followed by Mr. Burke's claim to the Department of Justice that Mr. Grassley's accusations were "categorical falsehoods".

Now this is a very important point. Mr. Burke was notified "within hours" after the investigation that two guns found at the scene were part of the Operation, but how would the investigating BATFE agents know that? They could only have known by comparing the make, model, and serial number of guns found at the scene to the same data for all guns involved in the Operation. How else could they have known? If the comparison only took a short time, BATFE must have had pretty accurate records. If so, the identity of the "straw purchasers" and the selling dealer must also have been known, since that data is written both on the bills of sale and on the BATFE form to be retained by dealers for all sales. In the notification to Mr. Burke, BATFE's proof thereof would have been unassailable since serial numbers are unique to each firearm. Why then would Mr. Burke later denounce Mr. Grassley as promoting "categorical falsehoods", claim that members of Mr. Grassley's staff were "stooges for the gun lobby", and criticize the BATFE for not denying the reports about the guns in question? I leave that to your imagination.

He also claimed that Mr. Grassley's letter was an attempt to "distract from the incredible success in dismantling [Southwest Border] gun trafficking operations". Let me get this straight. The BATFE engineers a gun smuggling ring in order to ... dismantle gun trafficking? Mr. Burke has a bright future in politics.

[1] Dennis Wagner, "Firearm scandal, political fall", *The Arizona Republic*, 29 Jan 2012, p. 1

[2] Dennis Wagner, "Behind the fall of gun probe", *The Arizona Republic*, 27 Nov 2011, p. 1