

Accessory to Murder? An Impeachable Offense

by William F. Wertz, Jr.

Oct. 31—Operation Fast and Furious (launched in March 2009 by President Obama, as part of Operation Gunrunner), under which over 2,000 assault weapons were allowed to cross the U.S. border into the hands primarily of the Mexican Sinaloa drug cartel, has demonstrably resulted in the murder of at least two U.S. law enforcement officials and countless Mexicans. Those two U.S. agents—Border Patrol agent Brian Terry, murdered on Dec. 14, 2010, and Immigration and Customs Enforcement (ICE) agent Jaime Zapata, murdered on Feb. 15, 2011—would be alive today were it not for the deliberate policy of the Obama Administration.

Over the last weeks, Sen. Charles Grassley (R-Iowa) and Rep. Darrell Issa (R-Calif.) have escalated their efforts to get to the bottom of the two murders, the circumstances of which have been deliberately covered up by the Department of Justice and the FBI in an effort to protect the Administration. The FBI is the lead investigator of both murders, even though the FBI is part of the task force that was involved in Fast and Furious.

The initiatives taken by Grassley and Issa have concluded a subpoena to Attorney General Eric Holder on Oct. 12, a letter to Holder on Oct. 25, and at least two letters to FBI Director Robert Mueller III, the most recent of which was sent on Oct. 21.

The Murder of Brian Terry

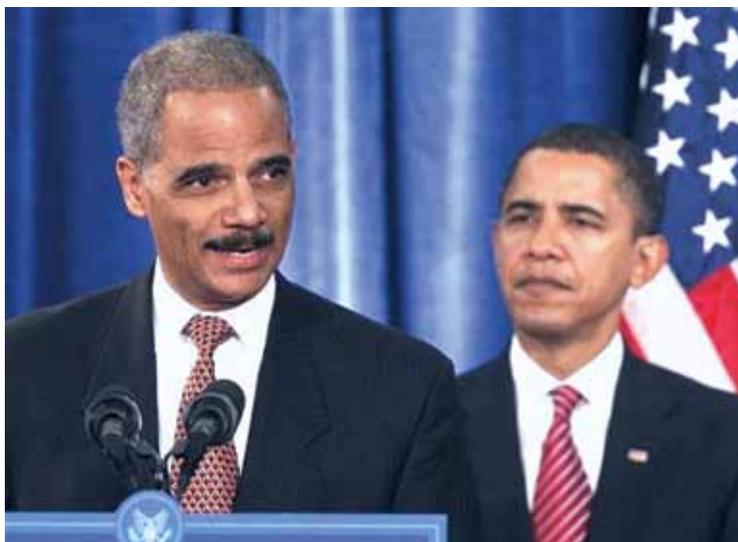
It had already been established in the case of the murder of Terry that two of the weapons involved in Fast and Furious were found at the scene of his murder, but the FBI has claimed that the ballistics evidence, which allegedly showed that one of the weapons was used in the murder, is inclusive. ATF (Alcohol, Tobacco and Firearms) agents told Terry's mother that there were three weapons; and ATF agent Hope MacCallister was secretly taped by the owner of the Lone

Wolf Trading Co. gun store admitting that there were three weapons, and that they have all three serial numbers. The FBI denies this and has refused to provide any further information.

In the Oct. 21 letter to Mueller, Grassley and Issa point out that the total number of guns recovered at the scene is not revealed in either the search warrant affidavit nor an unsealed indictment. "Based on limited information officially released about the circumstances, it appeared that the illegal immigrants who shot at Terry may have been armed with a total of five rifles. We know that two Fast and Furious rifles were part of a lot of three, all purchased at the same time over a year earlier. These circumstances naturally raise questions regarding the whereabouts of that third Fast and Furious gun, whether the other firearms were also connected to Fast and Furious, and the current location of all firearms involved."

The lawmakers further request information on why a ballistics test in the Terry shooting was inconclusive; whether there was any other evidence suggesting that additional Fast and Furious weapons were involved; whether the weapon in the shooting had specifically been identified; and whether there was any information that a third weapon killed the agent.

They ask the FBI to provide information on how many shots were fired during the encounter; when FBI and ATF agents arrived at the scene; how many suspects remain at large in the Terry case, and why.



Are President Obama and Attorney General Eric Holder involved in a coverup of possible Administration culpability in the murders of two U.S. law enforcement officials? So far, 17 Congressmen have called on Holder to resign.

The letter also states, that “according to press reports, three illegal immigrants were taken into custody ‘near the scene of the shootout’ but were later ‘cleared by federal authorities,’ released, and deported to Mexico. Please explain the circumstances of their arrest and why they were released.”

The obvious question is, were any of these individuals involved in the murder of Brian Terry? Were any of these individuals FBI informants? Were they in the possession of any weapons, possibly the murder weapon, which was the third Fast and Furious weapon? Were they cleared, released, and deported to Mexico to protect the operation?

There is at least one case in which an FBI informant is known to have helped smuggle firearms from the Fast and Furious gunwalking operation to drug cartels in Mexico. The informant obtained weapons from Manuel Celis-Acosta, considered to be the “biggest fish” of 20 individuals indicted in the case. At the same time, the informant was receiving large amounts of official law enforcement funds as payment for his services. The informant was working with U.S. law enforcement over a two-year period beginning in early 2009. Documents show that the DEA was aware of Celis-Acosta’s alleged drug-trafficking activity as early as late 2009, and that he was providing hundreds of firearms to members of Mexican drug cartels.

The FBI and DEA also knew that the informant, identified as “C1#1,” was ordering weapons from Celis-Acosta and smuggling them into Mexico. That informant, apparently the financier for Celia-Acosta’s firearms trafficking ring, later began cooperating with the FBI, and may have received additional government payments as a confidential informant. In one payment, the investigators learned, the U.S. government gave the informant \$3,500 for his services.

In the subpoena issued to Holder, there are at least two items which bear directly on this investigation: In item 18, the subpoena requests: “All documents and communications in the possession, custody or control of the DEA referring or relating to Manuel Fabian Celis-Acosta.” In item 19, the subpoena requests: “All documents and communications between and among FBI employees in Arizona and the FBI Laboratory, including but not limited to employees in the Firearms/Toolmark Unit, referring or relating to the firearms recovered during the course of the investigation of Brian Terry’s death.”

The Murder of Jaime Zapata

On Oct. 24, Sen. John Cornyn (R-Tex.), who is a member of the Senate Judiciary Committee, asked Grassley and Issa to expand their investigation of Fast and Furious to include accusations that similar gun-walking operations also took place in Texas, not just in Arizona, after Attorney General Holder failed to respond to his request in August that he address the “scope and details of any past or present ATF gun-walking programs” in Texas.

On Oct. 25, Issa and Grassley sent a letter to Holder with respect to the death of ICE agent Zapata, who was killed by the Los Zetas drug cartel in Mexico on Feb. 15. One of the three firearms used in the shooting was traced to Otilio Osorio, who had purchased the firearm on Oct. 10, 2010 in the Dallas/Fort Worth area.

In the letter, they point out that, according to ATF documents, the agency had reason to believe as early as Sept. 17, 2010 that Otilio’s brother, Ranferi Osorio, and the brothers’ next-door neighbor, Kelvin Morrison, were straw purchasers, but made no effort to contact them. Moreover, on Nov. 9, 2010, the ATF witnessed the Osorio brothers and Morrison unload “several large bags containing firearms” into an ATF confidential informant’s vehicle. All 40 firearms had obliterated serial numbers, which itself is illegal, but no arrest was made.

No “Report of Investigation” was even created on this incident by the ATF until three months later, on Feb. 25, 2011, the same day the ATF received the report tracing the Zapata murder weapon back to the purchase by Otilio Osorio. In other words, the Otilio brothers and Morrison were allowed to continue their activities after the Nov. 9 incident until their arrest on Feb. 28, 2011.

In a previous March 28 letter to ATF acting director Kenneth Melson, Grassley had reported that ATF agents actually observed a cache of weapons being loaded into Morrison’s vehicle on July 29, 2010, but did not maintain surveillance on that vehicle. The very next day, Morrison purchased a firearm that was discovered on Aug. 7, 2010. It was seized, along with 22 other AK-style firearms, in the very suspect vehicle that ATF agents had witnessed being loaded with weapons on July 29. When the vehicle was stopped on Aug. 7, the weapon purchased by Morrison on July 30 was recovered, along with two weapons purchased by Ranferi Osorio.

In a March 4 letter to Melson, Grassley asked: “Although the gun used in the assault on Agent Zapata that has been traced back to the US was purchased on Oct.



<http://issa.house.gov/#>

*Rep. Darrell Issa (left) and Sen. Charles Grassley (right) are investigating the murders of agents Brian Terry and Jaime Zapata, in connection with the Obama Administration's sting operation, *Fast & Furious*, which put assault weapons into the hands of a Mexican drug cartel.*

10, 2010, how can we know that it did not make its way down to Mexico after the November investigation when the arrest of these three criminals might have prevented the gun from being trafficked and later used to murder Agent Zapata?"

On Oct. 25, 2011, Otilio Osorio pleaded guilty to 3 counts of a 21-count Federal indictment against him and seven others. Issa and Grassley have given Holder until Nov. 8 to answer questions and produce documents on the Texas gun operation which led to the death of Zapata.

In addition, the subpoena issued to Holder on Oct. 12 requests in item 6: "All documents and communications referring or relating to the murder of Immigrations and Customs Enforcement Agent Jaime Zapata, including but not limited to documents and communications regarding Zapata's mission when he was murdered, Form for Reporting Information That May Become Testimony (FD-302), photographs of the crime

scene, and investigative reports prepared by the FBI."

The Attempted Coverup

On Oct. 18, Barack Obama, sounding very much like George W. Bush in response to the "outing" of CIA agent Valerie Plame, told ABC in an interview that "the people who have screwed up [in *Fast and Furious*] will be held accountable." Obama, Holder, and Homeland Security Secretary Janet Napolitano have all deferred to the investigation being conducted by the Justice Department's Acting Inspector General Cynthia Schnedar.

However, all the evidence thus far points to IG Schnedar as a participant in an attempted coverup.

First, Schnedar has long-standing, close ties to Holder. In 1994, Schnedar served as Assistant U.S. Attorney in Washington, D.C., when Holder was U.S. Attorney. Holder was Schnedar's boss from 1994-97. Schnedar and Holder worked together on at least 14 cases, and filed joint legal briefs in four of those cases.

Second, on March 8, 2011, Senator Grassley sent a letter to Kevin L. Perkins, chair of the Integrity Committee of the Council of Inspectors General on Integrity and Efficiency, in which he called upon Schnedar to recuse herself, giving three reasons that the "public may be unable to trust that the DOJ-OIG is completely disinterested and independent."

1. She is the Acting Inspector General and thus, the office "is without a Presidentially-appointed and Senate-confirmed leader. In my experience, acting inspectors general tend to function as caretakers of the office. They are not necessarily equipped to take on an entrenched bureaucracy and challenge senior officials.... That would be especially true if the acting inspector general is seeking the nomination to fill the position on a long-term basis."

2. "The DOJ-OIG was aware of the allegations long before the Attorney General's request and did nothing. Agent Dodson had already contacted the DOJ-OIG in December [2010], just after Agent Terry's death. He received no reply. After contacting my office, Agent

Dodson contacted DOJ-OIG again, and still received no reply. No one from the office contacted him to gather information about his allegations until after my staff contacted the Acting Inspector General directly on February 1, 2011.”

3. “I understand that ATF officials have cited a DOJ-OIG report critical of Project Gunrunner as one of the factors that prompted the shift to a riskier strategy of letting guns be trafficked rather than arresting straw buyers. DOJ-OIG may be sensitive to the appearance that its previous criticism created the conditions under which ATF and DOJ felt pressure to take risks in order to make a ‘big case’ against the cartels. Again, that could create an incentive to minimize the significance of the allegations.”

Grassley concluded: “Therefore, I request that the Acting Inspector General recuse her office and that a disinterested inspector general’s office be selected to conduct the review.”

On Sept. 21, 2011, Issa and Grassley further charged that Schnedar undermined and obstructed their Congressional investigation by releasing the secret tape recordings mentioned above, which corroborate allegations of misconduct in Operation Fast and Furious, to those being investigated by both the Inspector General and the Congressmen.

According to the Congressmen, Schnedar failed to even listen to the recordings before handing them over to the actual targets of the investigation. The letter to Schnedar reads as follows:

“Each of these disclosures undermines our ability to assess the candor of witnesses in our investigation and thus obstructs it. Moreover, your decision to immediately disclose the recordings to those you are investigating creates at least the appearance, if not more, that your inquiry is not sufficiently objective and independent. It appears that you did not consider the significant harm that providing these recordings to the very individuals under investigation could cause to either our inquiry or your own. You did not consult with us about the recordings even though the congressional inquiry and reactions to it are discussed at length.”

Impeachable Offenses

While Obama and his controllers are currently counting on a coverup, thus far, at least some in the Congress have not been accommodating. Attorney General Holder is now scheduled to testify before the House Judiciary Committee on Dec. 8. As of today, 17

U.S. Congressmen have called upon Holder to resign.

On Oct. 31, it was also announced that on Nov. 8, Holder will testify before the Senate Judiciary Committee, chaired by Patrick Leahy (D-Vt.), who has refused to investigate Fast and Furious. However, Grassley, the Ranking Member of the committee, said that it is fair to assume that he will press Holder on the issue during the hearing.

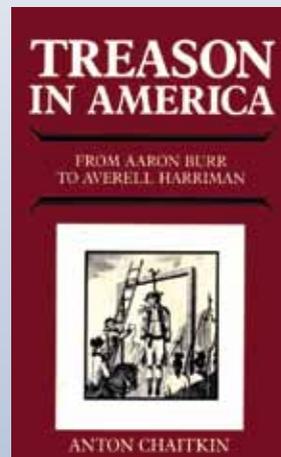
At the same time that the investigation of Fast and Furious is escalating, according to a statement issued on Oct. 28 by Reps. Fred Upton (R-Mich.) and Cliff Stearns (R-Fla.), the House Energy and Commerce Investigations Subcommittee will vote Nov. 3 on issuing subpoenas for internal White House communications, including Obama’s BlackBerry, regarding Solyndra, the solar energy firm promoted by the Administration, as a model for clean energy, that recently declared bankruptcy.

As in the case of the resignation of Attorney General John Mitchell, whose departure led ineluctably to the resignation, under threat of impeachment, of Richard Nixon, if Holder is forced to leave, can Obama be far behind?

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