



# Holder Failed To Lead

***The Inspector General Is Set To Testify Today About The Leadership Failures That Led To Operation "Fast And Furious"***

***The Department Of Justice Inspector General's Report Has Been "A Year And A Half In The Making."*** "A year and a half in the making, the report examines Operation Fast and Furious, which began under the Obama administration, and the smaller Operation Wide Receiver which started under the Bush administration and was prosecuted under the Obama administration." (Sharyl Attkinsson, "Fast And Furious IG Report Slams ATF Phoenix Personnel," [CBS News](#), 8/27/12)

## **"FAST AND FURIOUS" WAS A BOTCHED OPERATION TO CATCH MEXICAN DRUG CARTEL MEMBERS WITH ILLEGAL FIREARMS**

**The "Fast And Furious" Operation Was An ATF Program That Tracked Weapons Sold To Illegal Buyers In Hopes Of Arresting Mexican Drug Cartel Members.** "Agents with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives purposely allowed licensed firearms dealers to sell weapons to illegal straw buyers, hoping to track the guns to Mexican drug cartel leaders and arrest them. But they lost track of more than 2,000 weapons, and the Mexican government says some of them have turned up at about 170 crime scenes there." (Richard A. Serrano, "Emails Show Top Justice Department Officials Knew Of ATF Gun Program," [Los Angeles Times](#), 10/03/11)

- **"During The Course Of The Investigation, ATF Agents Seized Only About 100 Of The Firearms Purchased, The Result Of A Strategy Jointly Pursued By ATF And The U.S. Attorney's Office That Deferred Taking Overt Enforcement Action Against The Individual Straw Purchasers While Seeking To Build A Case Against The Leaders Of The Organization."** ("A Review Of ATF's Operation Fast And Furious And Related Matters," U.S. Department Of Justice, [Office Of The Inspector General](#), 9/19/12)

***Lost "Fast And Furious" Weapons Were Found At The Murder Of U.S. Border Patrol Agent Brian Terry***

**Two "Fast And Furious" Weapons Were "Found At The Scene Of The Dec. 14 Shooting Of US Border Patrol Agent Brian Terry."** "The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is facing criticism of a program that funneled illegal guns into the hands of Mexican gun runners, drug gangs, and other criminals after two of those guns were found at the scene of the Dec. 14 shooting of US border patrol agent Brian Terry by Mexican bandits in Arizona...The Dec. 14 shootout in Peck Canyon,

near Nogales, Ariz., occurred after border patrol agents halted a group of armed border bandits and fired at them with bean bag guns. The bandits then opened fire with live bullets from AK-47 submachine guns, killing Mr. Terry.” (Patrik Jonsson, “Did Flawed US Policies Play Role In Death Of Border Patrol Agent?,” [The Christian Science Monitor](#), 3/4/11)

- **The Link Between Terry’s Death And “Fast And Furious” Was Known Immediately To Officials.** “Internal documents show the link between Terry’s murder and the gunwalking operation labeled ‘Fast and Furious’ was known immediately to some government officials, but it’s unclear how high up the chain that information went and how fast.” (Sharyl Attkisson, “Attorney General Eric Holder ‘Sorry’ For Terry Family Loss,” [CBS News](#), 11/11/11)
- **ATF Agents “Made No Effort” To Apprehend The Person Who Bought The Rifles Recovered At The Scene Of Terry’s Murder.** “On January 16, 2010, one of the straw purchasers, Jaime Avila, purchased three AK-47 style rifles from a Phoenix-area gun store. ATF agents learned about that purchase 3 days later and, consistent with the investigative strategy in the case, made no effort to locate Avila or seize the rifles although ATF had identified Avila as a suspect in November 2009. Two of the three rifles purchased by Avila on January 16 were recovered 11 months later at the scene of the murder of Agent Terry, who was shot and killed on December 14, 2010, as he tried to arrest persons believed to be illegally entering the United States.” (“A Review Of ATF’s Operation Fast And Furious And Related Matters,” U.S. Department Of Justice, [Office Of The Inspector General](#), 9/19/12)

**“[T]he Senior Leadership Of The ATF And The Department Of Justice...Took Little Action In The Immediate Aftermath Of Agent Terry’s Death To Learn More” About Operation “Fast And Furious.”** “Although the Federal Bureau of Investigation (FBI) was assigned to investigate the murder of Agent Terry, the senior leadership of ATF and the Department of Justice (Department or DOJ) took little action in the immediate aftermath of Agent Terry’s death to learn more about an ATF investigation that involved the trafficking of approximately 2,000 weapons over many months, and how guns purchased by a previously-identified subject of that investigation ended up being recovered at the scene of Agent Terry’s murder.” (“A Review Of ATF’s Operation Fast And Furious And Related Matters,” U.S. Department Of Justice, [Office Of The Inspector General](#), 9/19/12)

**No Government Officials Involved “Fast And Furious” Have Been Held Criminally Liable For Terry’s Murder.** “One year ago today, Border Patrol Agent Brian A. Terry was gunned down in Arizona near the Mexican border by illegal immigrants armed with weapons from the now-infamous ATF ‘Fast and Furious’ gunwalking operation. Terry’s killing has touched off a firestorm that crossed international borders and trigger investigations, Congressional hearings, denials and admissions to the upper levels of the Justice Department. A statement issued today by Terry’s family raises the notion that responsible government officials should be prosecuted. ‘We now believe that if it can be shown that laws were broken, then all those responsible for Fast and Furious should be held criminally liable,’ reads the statement.” (Sharyl Attkisson, “Terry Family Marks One Year Anniversary Of Death Of Their Son, Brian Terry, Murdered Border Patrol Agent,” [CBS News](#), 12/14/11)

## **OVERSIGHT BY SENIOR ATF AND JUSTICE DEPARTMENT OFFICIALS WAS “SERIOUSLY DEFICIENT”**

**“Our Review Of Operation Fast And Furious And Related Matters Revealed A Series Of Misguided Strategies, Tactics, Errors In Judgment, And Management Failures...”** “Our review of Operation Fast and Furious and related matters revealed a series of misguided strategies, tactics, errors in judgment, and management failures that permeated ATF Headquarters and the Phoenix Field Division, as well as the U.S. Attorney’s Office for the District of Arizona...In the course of our review we identified individuals ranging from line agents and prosecutors in Phoenix and Tucson to senior ATF officials in Washington, D.C., who

bore a share of responsibility for ATF's knowing failure in both these operations to interdict firearms illegally destined for Mexico, and for doing so without adequately taking into account the danger to public safety that flowed from this risky strategy." ("A Review Of ATF's Operation Fast And Furious And Related Matters," U.S. Department Of Justice, [Office Of The Inspector General](#), 9/19/12)

- **"We Also Found Failures By Department Officials Related To These Matters, Including Failing To Respond Accurately To A Congressional Inquiry About Them."** ("A Review Of ATF's Operation Fast And Furious And Related Matters," U.S. Department Of Justice, [Office Of The Inspector General](#), 9/19/12)

**"We Found It Troubling That A Case Of This Magnitude And That Affected Mexico So Significantly Was Not Directly Briefed To The Attorney General."** "We found it troubling that a case of this magnitude and that affected Mexico so significantly was not directly briefed to the Attorney General. We would usually expect such information to come to the Attorney General through the Office of the Deputy Attorney General. However, as discussed below, neither ATF nor the U.S. Attorney's Office sufficiently advised the Office of the Deputy Attorney General about the investigation itself or of any operational concerns regarding the investigation." ("A Review Of ATF's Operation Fast And Furious And Related Matters," U.S. Department Of Justice, [Office Of The Inspector General](#), 9/19/12)

- **ATF Oversight "Was Seriously Deficient."** "We further determined that ATF Headquarters' oversight of Operation Fast and Furious was seriously deficient. Deputy Director Hoover, Assistant Director Chait, and Deputy Assistant Director McMahon all failed to adequately respond to indications and warnings early in the investigation that heightened scrutiny at the Headquarters level was needed to ensure public safety...We determined that ATF's leadership failed to seek timely closure of the investigation, even after Hoover recognized the need to conclude the investigative phase of Operation Fast and Furious. Although we found no evidence that ATF Headquarters' executives had improper motives or were seeking through their work on Operation Fast and Furious anything other than to dismantle a dangerous firearms trafficking organization, our investigation found that their oversight of the investigation was seriously deficient." ("A Review Of ATF's Operation Fast And Furious And Related Matters," U.S. Department Of Justice, [Office Of The Inspector General](#), 9/19/12)

## **UNDER ATTORNEY GENERAL ERIC HOLDER, OBAMA'S DEPARTMENT OF JUSTICE CONTINUALLY IMPEDED THE INVESTIGATION INSTEAD OF "COMING CLEAN"**

***The Dallas Morning News: "Attorney General Eric Holder And His Department Of Justice Have Expended Far More Energy Covering Up Than Coming Clean."*** "Months into a congressional investigation into Project Gunrunner and its Arizona-led wing, Operation Fast and Furious, we know only a little more. In large part, this is because Attorney General Eric Holder and his Department of Justice have expended far more energy covering up than coming clean." (Editorial, "Details Only Get Worse From ATF's Fast And Furious Fiasco," *The Dallas Morning News*, 8/19/11)

**DOJ Responded To CBS's FOIA Request On "Fast And Furious" With "Mostly-Blank Pages."** "For more than a year, CBS News has been investigating the Bureau of Alcohol Tobacco and Firearms' 'Fast and Furious' operation and related cases that also employed the controversial tactic of 'gunwalking.' With Justice Department officials refusing all interview requests to date, CBS News requested numerous public documents through the Freedom of Information Act. So far, all of the requests that have been answered have been denied in part or in full...The response includes mostly-blank pages." (Sharyl Attkisson, "Government's Answer To 'Fast And Furious' Records Requests: Blank Pages," [CBS](#), 4/27/12)

- **CBS's Sharyl Attkisson: "Few Requests Filed By This Reporter Are Answered Within A Year. When And If Documents Are Ever Produced, They Are Often Heavily Redacted And The**

**Timeliness Of The Information Relative To The Public Interest Has Long Since Subsided.”**

(Sharyl Attkisson, “Government’s Answer To ‘Fast And Furious’ Records Requests: Blank Pages,” [CBS](#), 4/27/12)

- **FBI Refuses To Release “All Information Requested Regarding The Death Of Border Patrol Agent Brian Terry.”** “Separately the FBI has denied CBS News all information requested regarding the death of Border Patrol Agent Brian Terry. Two Fast and Furious weapons were found at his murder scene in December 2010. The FBI stated that the information was withheld because the murder investigation is ongoing. That investigation has now entered its second year.” (Sharyl Attkisson, “Government’s Answer To ‘Fast And Furious’ Records Requests: Blank Pages,” [CBS](#), 4/27/12)
- **Both The FBI And The ATF Have Denied CBS’s Appeal Of The FOIA Denials.** “CBS News appealed the FBI’s denial, arguing that some records had already been made public by FBI to news agencies, that releasing certain parts of its investigative documents would not jeopardize any investigation, and that the FBI should provide, at a minimum, a log of the withheld materials. The appeal was denied. The ATF likewise denied our FOIA request under the basis of ‘opening investigation.’” (Sharyl Attkisson, “Government’s Answer To ‘Fast And Furious’ Records Requests: Blank Pages,” [CBS](#), 4/27/12)

**After Over A Year Of Requests, The Justice Department Released “For The First Time” Documents From “The Highest Levels Of The Agency” About Agent Brian Terry’s Murder.** “For the first time, the Justice Department has made public a series of sensitive messages that passed to the highest levels of the agency within hours of an ambush that killed a U.S. border patrol agent along the Southwest border in December 2010, igniting a national scandal over a gun trafficking investigation gone wrong.” (Carrie Johnson, “Emails Show How ‘Fast And Furious’ Ambush News Unfolded At Justice Dept.,” NPR’s [“The Two-Way” Blog](#), 1/27/12)

- **Holder Aide On Agent Terry Murder: “I’ve Alerted The AG, The Acting Deputy Attorney General.”** “The email messages show the former top federal prosecutor in Arizona, Dennis Burke, notifying an aide to Holder via email on Dec. 15, 2010 that agent Brian Terry had been wounded and died. ‘Tragic,’ responds the aide, Monty Wilkinson. ‘I’ve alerted the AG, the acting Deputy Attorney General...’ Only a few minutes later, Wilkinson emailed again, saying, ‘Please provide any additional details as they become available to you.’ Burke then delivered another piece of bad news: ‘The guns found in the desert near the murder [sic] ... officer connect back to the investigation we were going to talk about — they were AK-47s purchased at a Phoenix gun store.’” (Carrie Johnson, “Emails Show How ‘Fast And Furious’ Ambush News Unfolded At Justice Dept.,” NPR’s [“The Two-Way” Blog](#), 1/27/12)

***Holder’s Unwillingness To Cooperate Led To Contempt Charges***

**“The House Of Representatives Voted 255-67 On Thursday To Hold Attorney General Eric Holder In Criminal Contempt For Refusing To Turn Over Documents Related To The Fast And Furious Gun-Running Sting.”** (“House Votes To Hold Holder In Contempt,” [CNN](#), 6/28/12)

**Seventeen House Democrats Joined Republicans In A Bipartisan Vote To Hold Holder In Contempt Of Congress Over “Fast And Furious.”** “More than 100 Democrats left the House floor before the vote, but 17 moderate Democrats stayed behind and joined with Republicans in voting for contempt, robbing the Obama administration and congressional Democrats of its main argument that the vote was a blatant partisan maneuver to discredit Holder and the White House in an election year.” (Ed O’Keefe, “Which Democrats Voted To Hold Eric Holder In Contempt Of Congress?,” *The Washington Post’s* [“2Chambers”](#), 6/29/12)

***Pittsburgh Tribune-Review: “Where Congress (Republicans And A Growing Number Of Democrats) Properly See Their Constitutional Duty To Provide Executive Branch Oversight, Holder Shouts ‘POLITICS!’—Which Is Typically The Last Refuge Of Scoundrels Caught In What’s Turning Out To Be A Massive Web Of Prevarications.”*** “Where Congress (Republicans and a growing number of

Democrats) properly see their constitutional duty to provide executive branch oversight, Holder shouts 'POLITICS!' — which typically is the last refuge of scoundrels caught in what's turning out to be a massive web of prevarications. Equally 'scoundrelous' were efforts by some Democrats to paint the contempt vote as 'racist' efforts to 'suppress the vote' this fall. We've long held that Eric Holder should resign. We still hold that view. And it likely will be the only way to get to the bottom of a very sad chapter in American history." (Editorial, "Eric Holder's Contempt: 'Scoundrelous' Behavior," [Pittsburgh Tribune-Review](#), 6/29/12)