



Silence At Every Turn

At Every Opportunity, Obama Chose Secrecy Instead Of Cooperating With The Investigation Into "Fast And Furious"

OBAMA PROMISED TO BRING A NEW ERA OF TRANSPARENCY TO THE WHITE HOUSE

Obama: "My Administration Is Committed To Creating An Unprecedented Level Of Openness In Government." (President Barack Obama, Memorandum For The Heads Of Executive Departments And Agencies: Transparency and Open Government, [Press Release](#), 1/21/09)

- **Obama: "Let Me Say It As Simply As I Can: Transparency And The Rule Of Law Will Be The Touchstones Of This Presidency."** (President Barack Obama, [Remarks By The President In Welcoming Senior Staff And Cabinet Secretaries To The White House](#), Washington, DC, 1/21/09)
- **Obama: "I Won't Stop Fighting To Open Up Government."** (President Barack Obama, [Remarks At A Town Hall Meeting](#), Elyria, OH, 1/22/10)
- **Obama: "But I Can Tell You We Have Put In Place The Toughest Ethics Laws And Toughest Transparency Rules Of Any Administration In History. In History."** (President Barack Obama, [Remarks At A Town Hall Meeting](#), Elyria, OH, 1/22/10)

THE OBAMA WHITE HOUSE REFUSED TO COOPERATE WITH THE "FAST AND FURIOUS" INVESTIGATION

"The White House Did Not Produce To Us Any Internal White House Communications, Noting That 'The White House Is Beyond The Purview Of The Inspector General's Office, Which Has Jurisdiction Over Department Of Justice Programs And Personnel.'" "We also requested from the White House any communications concerning Operation Fast and Furious during the relevant time period that were sent to or received from (a) certain ATF employees, including Special Agent in Charge Newell, and (b) certain members of the White House National Security Staff, including Kevin O'Reilly. In response to our request, the White House informed us that the only responsive communications it had with the ATF employees were those between Newell and O'Reilly. The White House indicated that it previously produced those communications to Congress in response to a similar request, and the White House provided us with a copy of those materials. The White House did not produce to us any internal White House communications, noting that 'the White House is beyond the purview of the Inspector

General's Office, which has jurisdiction over Department of Justice programs and personnel.” (“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)

Inspector General Michael Horowitz: Internal White House Communications Were “A Lead We Wanted To Follow.” REP. BLAKE FARENTHOLD (R-TX): “You noted also in your report that the White House refused to share internal communications with you during your investigation of Fast And Furious. We've noted a connection into the White House through Kevin O'Reilly at the National Security Council. Do you think the White House's refusal to share these documents limited the scope of your investigation, and would this committee be well served by pursuing an investigation in that avenue?” INSPECTOR GENERAL MICHAEL HOROWITZ: “Well, as we noted in the report and as you know, Congressman, we did not get internal communications from the White House, and Mr. O'Reilly's unwillingness to speak to us made it impossible for us to pursue that angle of the case and the question that had been raised.” FARENTHOLD: “So it would probably be worthwhile for us to pursue?” HOROWITZ: “Well, certainly we have sought to pursue every lead we could. I can just tell you from our standpoint it was a lead we wanted to follow.” (Committee On Oversight And Government Reform , U.S. House Of Representatives, Hearing, 9/20/12)

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White House National Security Staff Member Kevin O'Reilly Refused To Talk To The Inspector General

White House National Security Staff Member Kevin O'Reilly Refused To Cooperate With The Inspector General's Investigation. “We also requested an interview with Kevin O'Reilly, a member of the White House's National Security Staff, to ask about communications he had in 2010 with former Special Agent in Charge Newell that included information about Operation Fast and Furious. O'Reilly declined our request through his personal counsel.” (“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)

- **O'Reilly Communicated With Special Agent In Charge Bill Newell About “Firearms Trafficking Issues” And “ATF's Efforts On The Southwest Border.”** “We sought to interview O'Reilly in light of e-mail communications he had with Special Agent in Charge Bill Newell in 2010. Newell told us that he had known O'Reilly during previous field office assignments and that the two shared information about firearms trafficking issues relevant to their geographic areas of responsibility. According to Newell, O'Reilly was also friends with ATF's White House Liaison and through that relationship O'Reilly would be included on some information sharing between Newell and the ATF Liaison about ATF's efforts on the Southwest Border, and that O'Reilly eventually communicated with Newell directly. Newell told us that he did not have direct contact with the White House other than through O'Reilly.” (“A Review Of ATF's Operation Fast And Furious And Related Matters,” U.S. Department Of Justice, [Office Of The Inspector General](#), Footnote #81, 9/19/12)
- **Inspector General's Report: “We Were Unable To Further Investigate The Communications Between Newell And O'Reilly Because O'Reilly Declined Our Request For An Interview.”** “The records the White House produced did not contain any communications between Newell and O'Reilly that referred to Operation Fast and Furious by name, and the communications that referred to the ‘large OCDETF case’ – which was Operation Fast and Furious – did not include any information about the case strategy or the tactics agents were using to conduct the investigation. We were unable to further investigate the communications between Newell and O'Reilly because O'Reilly declined our request for an interview.” (“A Review Of ATF's Operation Fast And Furious And Related Matters,” U.S. Department Of Justice, [Office Of The Inspector General](#), Footnote #81, 9/19/12)

Former ATF Attaché To Mexico Also Refused To Cooperate

Former ATF Attaché To Mexico Darren Gil Refused To Provide An Interview To The Inspector General. “There were several witnesses we were unable to interview. The ICE agent who was assigned to Operation Fast and Furious on a full time basis declined our request for a voluntary interview. Darren Gil, the former ATF Attaché to Mexico who retired from the agency in December 2010, declined through counsel our request for a voluntary interview.” (“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)

Obama Approved Sealing Records About Border Patrol Agent Brian Terry’s Murder

The U.S. Government “Moved To Seal The Case Against Terry’s Alleged Attackers, Shielding All Details From The Public....” “365 days after Terry was shot dead, his family still has few answers. The U.S. government continues to keep many details secret and—several weeks ago—moved to seal the case against Terry’s alleged attackers, shielding all details from the public and Terry’s bereaved family.” (Sharyl Attkisson, “Terry Family Marks One Year Anniversary Of Death Of Their Son, Brian Terry, Murdered Border Patrol Agent,” [CBS News](#), 12/14/11)

- **The Obama Administration Sealed Documents Regarding The “Fast And Furious” Connected Murder Of Border Patrol Agent.** “For example, the Obama administration just sealed the court records on the murder of federal agent Brian Terry, whose killers, Mexican drug smugglers, used weapons from a failed federal program—Fast and Furious—to smuggle arms into Mexico.” (Diana West, “Washington Seals Records That Might Embarrass Insiders,” [Washington Examiner](#), 12/10/11)

The White House Tried To Bully CBS Into Not Reporting On “Fast And Furious”

CBS Correspondent Was “Yelled” At By Obama Administration Over Questions Regarding “Fast And Furious.” “CBS News correspondent Sharyl Attkisson says government leaders took a very aggressive tack following her revelations earlier this year. On Tuesday’s Laura Ingraham Show, Attkisson said DOJ spokeswoman Tracy Schmalzer and White House associate communications director Eric Schultz yelled and screamed at her over the story. “The DOJ woman was just yelling at me,” Attkisson said. “The guy from the White House on Friday night literally screamed at me and cussed at me. Eric Schultz — oh, the person screaming was Tracy Schmalzer. She was yelling, not screaming. And the person who screamed at me was Eric Schultz at the White House.” (Jeff Poor, “CBS Reporter: White House, DOJ Reps ‘Yelled’ And ‘Screamed’ At Her Over ‘Fast And Furious’ Scandal,” [The Daily Caller](#), 10/4/11)

- **CBS News Correspondent Sharyl Attkisson:** “They will tell you that I’m the only reporter—they told me—that is not reasonable. They say the Washington Post, the LA Times is reasonable, the New York Times is reasonable. I’m the only one who thinks this is a story, and they think I’m unfair and biased by pursuing it.” (“CBS Reporter Claims White House Officials Screamed And Cursed At Her,” [The Huffington Post](#), 10/5/11)

OBAMA EVEN HELPED HIS ATTORNEY GENERAL HIDE INFORMATION FROM CONGRESS

“President Barack Obama Invoked Executive Privilege Wednesday To Withhold Documents A House Committee Is Seeking In An Investigation Of A Flawed Gun-Smuggling Probe In Arizona.” “President Barack Obama invoked executive privilege Wednesday to withhold documents a House committee is seeking in an investigation of a flawed gun-smuggling probe in Arizona. In a letter to Rep. Darrell Issa, R-Calif., a Justice Department official said the privilege applies to documents that explain how the department learned that there were problems with the investigation called Operation Fast and Furious.” (Pete Yost, “Justice Dept Says President Has Exerted Executive Privilege Over Fast And Furious Documents,” [The Associated Press](#), 6/20/12)

“The Obama Administration Is Asserting Executive Privilege” To Avoid Turning Over The Requested Documents. “Hours prior to the House Oversight and Government Reform Committee's 23-17 vote, Deputy Attorney General James Cole informed the committee's chairman, Rep. Darrell Issa, R-Vista (San Diego County), that the Obama administration is asserting executive privilege in declining to turn over documents...The administration's invocation of executive privilege covers documents produced after the Feb. 4, 2011, Justice Department letter denying use of gun-walking tactics in Fast and Furious.” (Dan Freedman, “Attorney General Eric Holder Cited By Committee,” [San Francisco Chronicle](#), 6/23/12)

Obama Invoked Executive Privilege Despite Promising To Hold Himself To “A New Standard Of Openness”

In 2007, Obama Was Critical Of Invoking Executive Privilege. CNN'S LARRY KING: “Do you favor executive privilege or should Karl Rove and others in that like position be forced to testify before the House or Senate? OBAMA: “Well, you know, I think we'll -- we'll determine over the next several weeks how this administration responds to the very appropriate call by Patrick Leahy, the chairman of the Judiciary Committee, to have these individuals come in and testify. You know, there's been a tendency on the part of this administration to -- to try to hide behind executive privilege every time there's something a little shaky that's taking place. And I think, you know, the administration would be best served by coming clean on this. There doesn't seem to be any national security issues involved with the U.S. attorney question. There doesn't seem to be any justification for not offering up some clear, plausible rationale for why these -- these U.S. attorneys were targeted when, by all assessments, they were doing an outstanding job. I think the American people deserve to know what was going on there.” (CNN's “Larry King Tonight,” 3/20/07)

- **In 2007, Then-Candidate Obama Said Executive Privilege “Is One That Is Subject To Abuse” And Said His Presidency Would Show “A Sufficient Respect For Law And Coequal Branches Of Government.”** OBAMA: “I think that the issue of executive power and executive privilege is one that is subject to abuse and in an Obama presidency what you will see will be a sufficient respect for law and coequal branches of government that I hope we don't find ourselves in a situation in which we would be having aides being subpoenaed for what I think everybody acknowledges is some troublesome information.” (CNN's “The Situation Room,” 3/28/07)

Obama In 2009: “I will also hold myself as president to a new standard of openness. Going forward, anytime the American people want to know something that I or a former president wants to withhold, we will have to consult with the Attorney General and the White House counsel whose business it is to insure compliance with the rule of law. Information will not be withheld just because I say so. It will be withheld because a separate authority believes my request is well grounded in the Constitution. Let me say this as simply as I can: transparency and the rule of law will be the touchstones of this presidency.” (President Barack Obama, [Remarks By The President In Welcoming Senior Staff And Cabinet Secretaries To The White House](#), Washington, DC, 1/21/09)

- **Obama:** “The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.” (President Barack Obama, [Memo For The Heads Of Executive Departments And Agencies](#), 3/9/09)

Obama's Invocation Of Executive Privilege Was Slammed

The Des Moines Register: “There Is More Than A Little Irony In The Obama Administration Asserting ‘Executive Privilege’ To Block Congress From Access To Internal Documents Shortly After The 40th Anniversary Of Watergate.” “Still, this situation has potential to blow up into a far

bigger problem for the Obama administration. The best course for Holder and the White House is to give Congress what it wants, and if that information makes people in the Justice Department look bad, right up to an including Holder, they should suffer the consequences. History shows that hunkering down only makes matters worse as people legitimately begin to wonder what the administration has to hide. There is more than a little irony in the Obama administration asserting 'executive privilege' to block Congress from access to internal documents shortly after the 40th anniversary of Watergate. Those with long memories may wonder when they will begin hearing words like 'stonewall' and questions of 'what did he know and when did he know it?' (Editorial, "Obama Wrong To Stonewall The House," [The Des Moines Register](#), 6/21/12)

The Washington Post: "Congress Is Generally Entitled To Disclosure." "But Congress's authority to gather information is broad — as broad as its sweeping powers to legislate, spend public money and hold executive officials accountable through impeachment. No doubt a lot of congressional investigations are partisan fishing expeditions. For better or worse, that comes with the democratic territory. Absent very strong countervailing considerations — stronger than some of those the administration has asserted in this case — Congress is generally entitled to disclosure." (Editorial, "Does Executive Privilege Outweigh Congress's Right To Disclosure On Fast And Furious?," [The Washington Post](#), 6/21/12)

The New York Times: "Executive Privilege Cannot And Should Not Be Allowed To Shield The Executive Branch From Regular, Valuable Congressional Oversight." "On Wednesday, for the first time since he was elected, President Obama invoked executive privilege on the disputed documents. Doing so now bars prosecution of Mr. Holder in federal court should the full House vote to hold him in contempt of Congress. Executive privilege cannot and should not be allowed to shield the executive branch from regular, valuable Congressional oversight. There was no reason the House committee and the Justice Department could not work out a deal to produce the documents requested, or some form of them. Instead, they show again that every issue, large or small, can be turned into ammunition for political combat." (Editorial, "A Pointless Partisan Fight," [The New York Times](#), 6/20/12)

Invoking Executive Privilege "Is No Small Claim, And It Raises A Few New Questions" About How Much The White House Knew About Fast And Furious. "The Attorney General is supposed to protect a President from legal and political snares, a part of his job description that Eric Holder seems to have missed. He's now succeeded in drawing President Obama into a brawl with Congress by invoking 'executive privilege' to withhold documents. For weeks, Mr. Holder has resisted Congress's subpoena for documents investigating the botched drug-war operation Fast and Furious. But he expressly stopped short of claiming executive privilege, a power invoked only 24 times since the Reagan era that typically protects communications directly with the President or his senior aides. Mr. Holder instead claimed 'deliberative privilege' within a Cabinet Department, a vague and much weaker claim that neither courts nor Congress have honored. But suddenly on Wednesday, facing the threat of a criminal contempt vote in the House, Mr. Holder asked the President to invoke executive privilege after all. This is no small claim, and it raises a few new questions. Such as: Did White House officials know and approve Fast and Furious before it went awry, and did they advise the Justice Department on how to respond to Congress's investigation into the operation's failure?" (Editorial, "Holder's Many Privileges," [The Wall Street Journal](#), 6/22/12)

The Denver Post: "The Gamesmanship Must End." "The GOP is right. Holder ought to disclose the documents. Also, the use of executive privilege is questionable, based on what has been disclosed thus far. The privilege pertains to the president, and the White House is not supposed to have been involved in the operation. Furthermore, though the DOJ says it has given thousands of pages of documents to Congress, there are far more it hasn't provided. The administration can avoid a full House vote on the contempt charge by turning over the requested documents, and it should. The gamesmanship must end."

(Editorial, "End The Secrets On Fast And Furious," [The Denver Post](#), 6/21/12)

Chicago Sun-Times's Steve Huntley: "What's In Those Documents That's So Important—Or Damaging—To The Justice Department That Obama Must Throw Up The Extraordinary Barrier Of Executive Privilege To Keep Them From Congress?" "I've always thought the Fast and Furious scandal would turn out to be a case of bureaucratic bungling — embarrassing certainly, maybe cause for a few heads to roll, and a source of run-of-the-mill friction between a Justice Department headed by a Democrat and a congressional investigation conducted by Republicans. Now Obama has elevated it to a whole new level by invoking executive privilege. What's in those documents that's so important — or damaging — to the Justice Department that Obama must throw up the extraordinary barrier of executive privilege to keep them from Congress?" (Steve Huntley, Op-Ed, "Obama's Stalling On Fast And Furious Files Hints At Secrets," [Chicago Sun-Times](#), 6/21/12)

Pittsburgh Tribune-Review: "By Now Declaring Executive Privilege, The Administration Is Legally Stipulating That There Was Direct White House Involvement." "But President Barack Obama's invocation of executive privilege to shield those documents is another matter. In fact, it's a mountain of a mess that could topple Mr. Obama (if the electorate doesn't do it first). By now declaring executive privilege, the administration is legally stipulating that there was direct White House involvement. And it has placed itself in Catch-22 jeopardy: It was more intimately involved in Fast and Furious than previously stated and it has been involved in nothing less than a cover-up to prevent that public disclosure. Either the White House lied or the White House lied. Whether it has done so to prevent being embarrassed politically or to shield criminal activity remains the question." (Editorial, "Obama's Catch-22," [Pittsburgh Tribune-Review](#), 6/22/12)

After 18 Months Of Investigation Without Answers, Obama "Has Stepped In To Help Resist Finding Those Answers." "As an explanation for why, literally overnight, the smoldering congressional investigation into the 'Fast and Furious' scandal suddenly blossomed into a conflagration involving not just Eric Holder's Justice Department but, now, the White House, try this: Eighteen months after Border Patrol Agent Brian Terry was murdered in Arizona near the Mexican border, we still have no plausible explanation for what Operation Fast and Furious hoped to accomplish, or who in Washington, D.C., planned it. Any reasonable defense of Attorney General Holder and his top aides must answer those basic questions. They have tried to point fingers, implausibly, at their own Justice Department operatives in Phoenix to deflect responsibility. They have tried to impugn the reputations of whistle-blower agents. But they decidedly have not provided honest answers to basic questions. Now, President Barack Obama has stepped in to help resist finding those answers. That is wrong. And, politically, it may prove to be wrong-headed, as well." (Editorial, "Obama Joins Stonewalling," [Arizona Republic](#), 6/20/12)

- **"The President's Attempt To Shield Holder By Asserting Executive Privilege On Wednesday Strains Credulity."** "The president's attempt to shield Holder by asserting executive privilege on Wednesday strains credulity. It didn't help fend off a vote by the House Committee on Oversight and Government Reform to recommend holding Holder in contempt of Congress." (Editorial, "Obama Joins Stonewalling," [Arizona Republic](#), 6/20/12)
- **Holder And Obama Have Resisted Explaining The February 4, 2011 Letter The Justice Department Retracted.** "By no stretch of the imagination has Holder been cooperative with Rep. Darrell Issa's committee. He has supplied about 7,600 documents. Holder's own inspector general, conducting an internal investigation, has access to 80,000 documents. More to the point, Holder (and now the president) is resisting releasing communications produced after Feb. 4, 2011, when Justice sent a particularly misleading letter to Congress that it later would retract. Perhaps coincidentally, or not, the author of that letter, Assistant Attorney General Ronald Weich,

announced last week that he would leave the department.” (Editorial, “Obama Joins Stonewalling,” [Arizona Republic](#), 6/20/12)

Lubbock Avalanche-Journal: “Holder, And Now Obama, Are Wrong To Assert Their Privilege Of Secrecy Trumps Congress’ Pursuit Of Answers.” “Brian Terry’s family and the rest of us deserve to know who’s responsible for Operation Fast and Furious and what is being done to ensure it never happens again. That’s Congress’ job. Holder, and now Obama, are wrong to assert their privilege of secrecy trumps Congress’ pursuit of answers.” (Editorial, “Executive Privilege Wrong Response In Probe Of Gun-Walking Operation,” [Lubbock Avalanche-Journal](#), 6/22/12)

St. Louis Post-Dispatch: “The Operation Was Botched From The Get-Go. Except For Agent Terry, No One Has Paid Much Of A Price For It. Mr. Holder’s Justice Department Has Not Been Fully Forthcoming. To Quote The Old Barack Obama, There’s Something A Little Shaky Taking Place.” (Editorial, “In ‘Fast And Furious,’ Err On The Side Of Disclosure,” [St. Louis Post-Dispatch](#), 6/22/12)

Pittsburgh Post-Gazette: “Even If The Investigation Is Deeply Partisan, That Doesn’t Mean Executive Privilege Is Warranted Except In The Rarest Of Cases. Mr. Obama Has Lost The High Ground.” (Editorial, “Slow And Infuriating: Obama Looks Bad In Partisan Feud Over Holder,” [Pittsburgh Post-Gazette](#), 6/23/12)

The Invocation Of Executive Privilege “Will Only Add To The Suspicions That The Trail Of Fault Leads Back To Washington.” “It’s clear that the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives made major, perhaps lethal, misjudgments with its Fast and Furious operation, which was designed to nab cartel leaders abusing lax U.S. gun laws. What is not clear is who should be held accountable for this disastrous program. President Obama’s decision to invoke executive privilege Wednesday will only add to suspicions that the trail of fault leads back to Washington. ... Holder should have released the documents, to bring more transparency to this botched operation.” (Editorial, “‘Fast And Furious’ Has Obama On Defensive,” [San Francisco Chronicle](#), 6/21/12)

New York Daily News: Obama “Should Retreat On The Assertion Of Executive Privilege.” “Well before reaching that brink, the attorney general should surrender the subpoenaed records and Obama should retreat on the assertion of executive privilege by which he endorsed Holder’s refusal to cooperate.” (Editorial, “Give It Up, Eric,” [New York Daily News](#), 6/21/12)

San Antonio Express-News: “Hiding Embarrassing Facts Is Not A Legitimate Use Of Executive Privilege.” “Hiding embarrassing facts is not a legitimate use of executive privilege, even if it is the most common. Holder already has admitted that the Fast and Furious program, a Bureau of Alcohol, Tobacco and Firearms operation that allowed guns to go into Mexico through illegal channels, was misguided. ATF officials lost track of hundreds of weapons and two turned up at the scene of a Border Patrol agent’s slaying in Arizona. Holder should put all the facts on the table. Congressional investigations, which by their very nature are likely to be politically motivated, are a legitimate tool for shining a spotlight on the executive branch’s job performance. The American public is not naïve about the motivations of the players on either side of the conflict, and the public deserves a complete airing of the facts.” (Editorial, “Obama Has Abandoned Transparency,” [San Antonio Express-News](#), 6/23/12)