



# Will We Finally Get Answers In “Fast And Furious?”

***The Inspector General Is Set To Testify Today On Who Is Responsible For The Botched Gun-Walking Operation***

*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 Attkisson, “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)

- **“But ATF Agents Were Often Told To Abandon Their Surveillance Of The Weapons, Allowing Them — And The Straw Buyers — To Disappear, According To House Testimony From Numerous Agents. The Only Remaining Hope For Agents To Track The Guns Was If Other Agencies Found Them At Crime Scenes Or During Drug Raids And Identified Them By Their Serial Numbers.”** (Jordy Yager, “Rep. Issa Threatens Holder With Contempt Over ‘Fast And Furious’ Operation,” [The Hill](#), 1/31/12)

***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)

**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)

## **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)

**On May 3, 2011, Attorney General Eric Holder Testified To Congress That He Only Became Aware Of “Fast And Furious” “Over The Last Few Weeks” In Spring, 2011.** “On May 3, 2011, Holder told a Judiciary Committee hearing, ‘I’m not sure of the exact date, but I probably heard about Fast and Furious for the first time over the last few weeks.’” (Sharyl Attkisson, “ATF Fast And Furious: New Documents Show Attorney General Eric Holder Was Briefed In July 2010,” *CBS News*, 10/03/11)

- **Documents Later Showed That Holder Had Received Briefings About “Fast And Furious” Since 2010.** “Internal Justice Department memos released last week show that Holder was notified about the existence of the operation as early as last year. Holder testified in May before the House Judiciary Committee that he did not know about the operation until recently. The White House and the DOJ said that Holder was referring to when he was made aware of the controversial and taboo tactics used in the operation.” (Jordy Yager, “Issa: Holder’s Defense On Fast And Furious ‘Has Reached A New Low,’” *The Hill*, 10/10/11)

**Documents Show That The DOJ Purposely Submitted False Information To Senators Regarding “Fast And Furious.”** “The Justice Department released documents today detailing how officials prepared a Feb. 4 letter to Sen. Chuck Grassley (R-Iowa) that Attorney General Eric Holder has since admitted contained false information about Operation Fast and Furious, a botched gun operation under

investigation by Congress. The documents show that Dennis Burke, then a U.S. attorney who has since resigned, and William Hoover, then the deputy director of the Bureau of Alcohol, Tobacco, Firearms and Explosives who has since been reassigned, principally provided the false information to officials who drafted the letter.” (Jonathan Strong, “Justice Department Reveals Origins Of False Gun Letter To Grassley,” [Roll Call](#), 12/2/11)

- **The Justice Department Later Rescinded The Letter Because It Contained False Information On “Fast And Furious.”** “The DOJ initially denied that it let guns ‘walk’ — or knowingly fall into the hands of suspected criminals — in a letter to Grassley. That letter was later rescinded.” (Jordy Yager, “Scathing GOP Report On ‘Fast And Furious’ Blames Five ATF Officials,” [The Hill’s “Blog Briefing Room,”](#) 7/30/12)

**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)

### **INSTEAD OF PROVIDING ANSWERS, OBAMA SEALED THE RECORDS ON BRIAN TERRY AND INVOKED EXECUTIVE PRIVILEGE TO PROTECT HOLDER**

**The White House Confirmed That Obama Approved Sealing Records Detailing Murder Of Border Agent During “Fast And Furious.”** “The White House press office confirmed Thursday that the president approved sealing the records. What this means is, not only will the media be shut out, the public will, too. So much for an administration that calls itself the ‘most transparent’ ever.” (Nancy Smith, “Obama Officially Hides From Public Info About Border Agent’s Death,” [Sunshine State News](#), 12/1/11)

**“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)

### ***Obama’s Use Of Executive Power 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)

***The Wall Street Journal: 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)

***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)

**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)

**San Francisco Chronicle: "President Obama's Decision To Invoke 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)

***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)