

From: Pascual, Carlos (Mexico City) [PascualC@state.gov]
Sent: Thursday, March 10, 2011 10:52 AM
To: Restrepo, Daniel A.; O'Reilly, Kevin M.; Breuer, Lanny A.; Swartz, Bruce; Laura.Sweeney@SMOJMD.USDOJ.gov; Jacobson, Roberta S; State/Privacy; Rooney, Matthew M
Cc: Feeley, John D (Mexico City); Williams, James H (Mexico City); Glover, Michael P (Mexico City)
Subject: FW: Fast and Furious Points

Importance: High

Here is what I sent: State/Privacy

I spoke with Lanny this morning. We agreed to reconvene on a conference call after the Holder hearing at 2:30 EST. It would be very helpful to have NSS and State on that call.

John will follow up on call logistics.

SBU
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From: Pascual, Carlos (Mexico City)
Sent: Thursday, March 10, 2011 9:48 AM
To: State/Privacy
Cc: Feeley, John D (Mexico City)
Subject: Fast and Furious Points
Importance: High

State/Privacy

Thank you for the discussion last night and the points that you forwarded. I explained the context of these to Washington and sent them to our colleagues last night. This generated a number of consultations among all of the key agencies early this morning. Everyone has appreciated the Mexican position on this issue and the desire to be constructive.

State

It was underscored by all that there is no ambiguity about Holder's actions. He has heard the allegations of arms that have gone across the border, and he has called for an investigation. That is the only responsible route: to establish the facts and to separate facts from allegations.

All parties in my government would be very appreciative of any statements that your government could make affirming the importance of Holder's actions, underscoring your support for the investigation, but also affirming the importance of Fast and Furious as an operation on US territory to arrest 20 people and break up a major trafficking ring in the United States.

The Attorney General has a hearing at 11 am eastern (10:00 Mexico time). There was not enough time to change his points from the comments that he made yesterday. The points that he has for today, as well as his comments yesterday, are repeated below. There is no mention of briefing Mexican law enforcement officers at this point.

After his hearing, we should consult quickly to assess where things stand and to determine any further actions that we should take. We will have another consultation with Washington colleagues at 1:30 Mexico time, so if I can get any input from you before then, both on comments that the GOM might offer and on your reactions to the hearing, that would be very helpful.

These are the press points AG Holder used March 9 at his press conference and will use March 10 for congressional hearing (scheduled 1000 Mexico City time).

We continue to work with our law enforcement counterparts here and in Mexico to stem the flow of weapons, cash and drugs across our borders and interdict people whose only goal is to evade law enforcement.

Fighting criminal activity along the Southwest Border – including the illegal trafficking of guns to Mexico – has been a priority of this Administration and this Department of Justice. The mission of ATF and other law enforcement agencies is to stop the flow of illegal weapons and drugs across the Border – and it will continue to be.

We're not going to comment on the specifics of any operation (**at this time**), but we are aware of questions that have been raised by ATF agents. We take those very seriously, and that's why the Attorney General has asked the Inspector General to get to the bottom of it.

Keep in mind it is legal to purchase guns in this country. At any time, a law-abiding citizen can walk into a federal firearms licensee, or licensed gun dealer, and purchase one or more firearms without any special requirement from the federal government. That makes gun investigations by their very nature different from investigations into drugs. But in any case, good, smart, effective law enforcement requires nuanced and difficult judgments as we try to catch and interdict people whose only goal is to evade law enforcement.

REPORTER: There were questions today raised about fast and furious. Has the program been suspended? And why were Mexican, why wasn't the Mexican Government informed of it at the time?

ATTORNEY GENERAL HOLDER: Well, we are, as I guess you all know, I have asked our Inspector General's Office to look into that matter. The aim of the ATF is to try to stop the flow of guns. I think they do a good job in that regard.

Questions have been raised by ATF agents about the way in which some of these operations have been conducted. I think those questions have to be taken seriously, and on that basis I have asked the Inspector General to look at it.

REPORTER: In a general way, as someone who has overseen dozens and hundreds of investigations, as an investigative tool, have you ever heard of a situation where you would allow heavily or high-powered weapons to go over a border, and then not know what happens on the other end? Unlike dummy drugs or dummy bombs that you have used extensively in other cases, how does that happen?

ATTORNEY GENERAL HOLDER: Well, I think one has to understand that there is a difference between the investigations and using the examples that you have, you supplied.

The purchase of drugs is illegal, and we know that from the beginning of an investigation. The use of or transmission of a bomb is something that we know is illegal.

You can purchase weapons legally. They can be transferred legally. It makes those investigations more difficult, more complex in some ways, than other investigations.

Now, whether there should be guns allowed to travel, or let them run, whatever the phrase is, is something that I think we have to look at and examine. And that's one of the reasons I've asked the Inspector General to look at, look at the facts and see exactly what happened, and whether or not what happened was appropriate.

SBU
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