

---

**From:** Gonzales, Mary (ATF)  
**To:** Burton, Faith (SMO); Gaston, Molly (SMO)  
**CC:** Wade, Jill C (SMO); Weich, Ron (SMO)  
**Sent:** 7/26/2011 4:16:19 PM  
**Subject:** FW: Bipartisan fury at gun-smuggling op; ATF officials admit mistakes in Operation Fast and Furious gun program  
**Attachments:** image001.gif

I'm glad that's over.

*It is unclear to what extent senior officials at ATF knew about the operation, but agents said Tuesday that they had passed information about the operation up the chain of command. William McMahon, the ATF deputy assistant director, said that he had informed his superiors about the operation, but when pressed during questioning he said he was unaware of some details.*

## **Bipartisan fury at gun-smuggling op**

By: Elias Groll

July 26, 2011 03:23 PM EDT

House lawmakers from both parties hammered federal law enforcement agents Tuesday over a botched gun-trafficking investigation — codenamed “Fast and Furious” — that put guns in the hands of some of Mexico’s most notorious drug gangs.

Representatives of the Bureau for Alcohol Tobacco and Firearms admitted that mistakes had been made in the operation, but officials at the Government Oversight and Reform Committee hearing tried to defend the operation as a well-intentioned effort gone wrong. ATF representatives said they knew that guns — according to one estimate just over 1,000 firearms — were going to Mexico and ending up in the hands of criminals there, but that was the point: The ATF was attempting to trace the guns through criminal networks in order to track gun- and drug-trafficking routes.

“The goal of the operation was to disrupt, dismantle, and destroy drug cartels purposely, knowingly allowing the guns to go to Mexico,” said William Newell, the former special agent in charge for the ATF Phoenix field division.

Newell said in prepared testimony that the purpose of the operation was to get beyond the straw purchasers on the street and to make arrests up the chain of command in criminal organizations, but lawmakers criticized the operation as misconceived from the start.

Under questioning from Peter Welch (D-Vt.), Newell said that ATF agents would sell guns to buyers involved in criminal networks and would then follow those individuals and place them under surveillance.

“So a load of assault rifles has been delivered to a middleman. Was there a plan by which you would follow where those guns went?” Welch asked.

Newell said that agents would continue surveillance of the individuals but that because of resource constraints, agents would be called away to other cases and surveillance would cease, seemingly leaving the buyer to travel freely with the guns he had purchased from government agents.

Newell said that, in hindsight, the operation should have included greater risk-assessment in order to gauge progress and to check where the guns involved had turned up.

It is unclear to what extent senior officials at ATF knew about the operation, but agents said Tuesday that they had passed information about the operation up the chain of command. William McMahon, the ATF deputy assistant director, said that he had informed his superiors about the operation, but when pressed during questioning he said

he was unaware of some details.

Tuesday's hearing came on the heels of a report released by the oversight committee that found U.S. officials in Mexico City had known about the operation and had tried to have it stopped but were rebuffed by their superiors.

The guns involved in the operation have been linked to the death of a border patrol officer and has generated public outcry.

And lawmakers were quick to echo that sentiment at the hearing Tuesday.

"The fact that we used people's lives as pawns without even discussing it. It's reprehensible. And I hope the buck stops and we take accountability because this can't go on again. Both sides of the aisle and the American people are furious," said Rep. Paul Gosar (R-Ariz.).

"We have not yet seen the end of the violence from operation Fast and Furious. The deadly consequences of this irresponsible program could last for years to come," said committee chairman Darrell Issa (R-Calif.).

Some of the five ATF representatives at the hearing were quick to admit that mistakes were made in the case and in emotional testimony said they were ashamed over what had happened in the case.

"Firearms trafficking cases are not complicated. The reason this case was so big is because we didn't do anything," said Jose Canino, the acting ATF attache to Mexico. "I have guys, ATF agents, telling me that their ashamed to be carrying the badge, and that makes me cry."

The central controversy during the hearing centered over whether guns were walked over the border into Mexico — that is, whether ATF agents sold guns to individuals known to be involved in trafficking and then ceased monitoring those individuals.

Canino, who was not aware of the operation at the time, said that he agreed that it had been complicit in walking guns across the Mexican border. But Newell, the agent who was operationally involved in the investigation, defended its merits while conceding that it ultimately misfired.

The hearing also drew scattered calls for a new gun-trafficking law. Currently, there is no statute in place that specifically makes firearms trafficking a federal offense, and some experts have called on Congress to put in place such legislation in order to make firearms trafficking easier to prevent.

Rep. Gerald Connolly (D-Va.) leveled withering criticism against Congress for failing to confirm a permanent director of the ATF and for gutting the agency's budget.

"We've made sure to see that the 'F' in ATF is non-existent. We haven't given them a permanent director. We've done everything we can to defang the ATF," Connolly said.

The ATF has been without a permanent director since 2006 amid concerns from, in part, the National Rifle Association, which has put up immense opposition to several nominees for what they describe as hostility to Second Amendment rights.

## **ATF officials admit mistakes in Operation Fast and Furious gun program**

**Washington (CNN)** -- Two federal officials admitted Tuesday they made "mistakes" during the controversial Operation Fast and Furious gunrunner program, but they disputed contentions by a parade of other agents that their bureau knowingly let guns "walk" into Mexico.

"It was not the purpose of the investigation to permit the transportation of firearms into Mexico," said William Newell, former special agent in charge of the Phoenix field office of the Bureau of Alcohol, Tobacco, Firearms and Explosives. "To the best of my knowledge none of the suspects in this case was ever witnessed by our agents crossing the border with firearms."

Newell's insistence that guns were not allowed to cross the border drew an angry rebuke from Rep. Darrell Issa, chairman of the House committee investigating the program, who called Newell a "paid non-answerer" at Tuesday's hearing.

"Are they (the other agents) lying, or are you lying?" Issa asked Newell.

"We did not let guns walk," Newell responded.

"You're entitled to your opinion, not to your facts," Issa said.

Newell and William McMahon, the head of western field operations for ATF, both painted themselves as dedicated public servants whose only goal was to help dismantled drug cartels that were benefiting from the free flow of weapons from the United States to Mexico.

Both testified previous tactics aimed at catching and prosecuting gun smugglers were ineffective, and Newell said Operation Fast and Furious was "innovative." He said he "made every reasonable effort" to keep his ATF colleagues in Mexico briefed about the investigation. Newell said he should have pressed for quicker action by prosecutors, and should have conducted "more frequent risk assessments."

McMahon said his support for the program was based partly on his experience as assistant special agent in charge of the ATF's World Trade Center office on September 11, 2001, which added to his "zeal" to bring down complex criminal networks.

But with "the advantage of hindsight ... I would have done (things) differently," McMahon said. Asked for one example of a mistake, he said he should have more thoroughly reviewed investigative documents that crossed his desk.

Both McMahon and Newell testified Tuesday at the hearing of a House Oversight and Government Reform Committee.

At the hearing, several ATF agents testified the tactic of allowing guns to "walk" was ill-considered and violated long-established ATF policies and practices.

They also said the ATF failed to inform Mexican authorities of the program, or to even notify U.S. officials in Mexico.

The tactic "is insane," said Carlos Canino, acting ATF attache to Mexico.

"I can say with authority 'walking guns' is not a recognized investigative technique," Canino testified. "These guns went to ruthless criminals. ... It infuriates me that people, including my law enforcement, diplomatic and military colleagues, may be killed or injured with these weapons."

Canino said Mexican officials regularly complain about American indifference to Mexican violence and death, a view he does not share. "However, in this particular case, with these specific guns, I am unable to defend this operation."

The former ATF attache to Mexico shared that sentiment.

"I would like to apologize to my former Mexican law enforcement counterparts and to the Mexican people for Operation Fast and Furious," said Darren Gil. "I hope they understand that this was kept secret from most of ATF, including me and my colleagues in Mexico."

At the opening of the hearing, Issa, R-California, accused the Obama administration of stonewalling the investigation, saying the Department of Justice continues to withhold information and has "inappropriately interfered" with the committee's work.

"Let me be clear: the Justice Department is not our partner in this effort. They are the subject of this investigation and their continued interference will not be allowed to derail the committee's work," Issa said.

Issa said the Justice Department has blocked efforts to identify those inside the department who were aware of the program, and who endorsed it.

"We have not yet seen the end of the violence from operation Fast and Furious. The deadly consequences of this irresponsible program could last for years to come," Issa said.

"Today the committee estimates at least 1,600 weapons, including .50 caliber sniper rifles, are still out there waiting to kill. The possibility that administration officials, perhaps at the highest level of the Justice Department, approved this strategy and are now trying to cover up their own involvement by stonewalling the committee (is) alarming," he said.

The Justice Department refutes claims by Issa that it refused to cooperate with the congressional investigation and is "pushing away" investigators from senior political appointees at the department.

"Ridiculous. Simply not true," said Justice Department spokeswoman Tracy Schmalzer. "We have provided thousands of documents, interviews, and testimony."

CNN's Terry Frieden contributed to this report.

**Find this article at:**

<http://www.cnn.com/2011/POLITICS/07/26/atf.fast.and.furious>

FD HIDDEN DIV

Mary Gonzales | Congressional Liaison Specialist | Office of Legislative Affairs | Bureau of Alcohol, Tobacco, Firearms & Explosives | p 202\*648\*7039 | c 202\*731\*2350 | f 202\*648\*9708 | [mary.gonzales@atf.gov](mailto:mary.gonzales@atf.gov)

\*\*\*\*\*

NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This

communication may contain Sensitive But Unclassified information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.

\*\*\*\*\*

NOTICE: This e-mail message and any attached files are intended solely for the use of the addressee(s) named above in connection with official business. This communication may contain Sensitive But Unclassified information that may be statutorily or otherwise prohibited from being released without appropriate approval. Any review, use, or dissemination of this e-mail message and any attached file(s) in any form outside of the Bureau of Alcohol, Tobacco, Firearms & Explosives or the Department of Justice without express authorization is strictly prohibited.