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**From:** Schmalzer, Tracy (OPA)  
**To:** Attorney General Cole, James (ODAG); Reich, Steven (ODAG); Weich, Ron (OLA); Richardson, Margaret (OAG); Grindler, Gary (OAG); Perrelli, Thomas J. (OAAG); Greenfeld, Helaine (SMO); Goldberg, Stuart (ODAG); O'Neil, David (ODAG); Axelrod, Matthew (ODAG)  
**Sent:** 10/7/2011 5:41:26 PM  
**Subject:** Clips- AG letter

First round - predominately straight coverage of letter w. focus on testimony response. CBS post is on the DAG presentation, but it was up moments before we sent letter so I expect an update, I've also given them specific points on this and asked them to update.

### **AG Holder answers critics on gun-smuggling issue**

By PETE YOST, Associated Press - 58 minutes ago

WASHINGTON (AP) — Attorney General Eric Holder said Friday that his testimony to Congress about a controversial gun-smuggling probe was truthful and accurate and that Republicans are engaging in political posturing when they say otherwise.

In his most forceful criticism of Republicans during his time as attorney general, Holder said that he had said little so far about the gun-smuggling probe because the Justice Department inspector general is investigating it but that he could not sit idly by while a Republican congressman suggested that law enforcement and government employees be considered accessories to murder.

Key Republicans say the attorney general knew many months earlier than he has admitted that the gun-smuggling probe by the Bureau of Alcohol, Tobacco, Firearms and Explosives involved agents letting guns pass from small-time straw purchasers to arms traffickers.

"I have no recollection of knowing about" the operation, called 'Fast and Furious,' or of hearing its name prior to the public controversy about it," Holder said in a letter to key Republican and Democratic members of Congress who oversee Justice Department issues.

He said that before early this year, "I certainly never knew about the tactics employed in the operation and it is my understanding that the former United States Attorney for the district of Arizona and the former acting director and deputy director of ATF have told Congress that they, themselves, were unaware of the tactics employed."

He was referring to the tactic known as "letting guns walk" from stores with suspected straw purchasers, rather than seizing them there, in an effort to track them to gun-running kingpins, who had escaped charges in the past.

Operation Fast and Furious came to light after two assault rifles purchased by a now-indicted small-time buyer under scrutiny in the operation turned up at a shootout in Arizona where Customs and Border Protection agent Brian Terry was killed.

In regard to Terry's death, Rep. Paul Gosar, an Arizona Republican, said that "we're talking about consequences of criminal activity, where we actually allowed guns to walk into the hands of criminals." He said that "when you facilitate that and a murder or a felony occurs, you're called an accessory."

Holder said that "such irresponsible and inflammatory rhetoric must be repudiated in the strongest possible terms." The attorney general noted that the flawed tactics employed in Fast and Furious "were actually employed in an investigation conducted during the prior administration. Regardless, those tactics should never again be adopted in any investigation." Holder was referring to Operation Wide Receiver under the Bush administration, in which ATF ran an operation that allowed hundreds of guns to be transferred to suspected arms traffickers.

This week, Rep. Darrell Issa, R-Calif., chairman of the House Oversight and Government Reform Committee that is looking into Fast and Furious, said Holder had to have known about the operation from weekly written reports he received back in July 2010. House Judiciary Committee chairman Lamar Smith, R-Texas, called on President Barack Obama to direct the Justice Department to appoint a special counsel to investigate.

Sen. Charles Grassley of Iowa, the ranking Republican on the Senate Judiciary Committee, said Holder was less than candid in testimony to Congress. The recently released documents "have convinced me that" the attorney general "is either lying or grossly incompetent," said Rep. Raul Labrador, R-Idaho. Sen. John Cornyn, R-Texas, encouraged Holder to "come up to the Hill and clear this up as soon as possible."

The weekly reports cover dozens of investigations and some mentioned Fast and Furious but did not outline the tactics it used.

The president said he has complete confidence in Holder and said he has complete confidence as well in the

investigation by the Justice Department inspector general's office into who, in fact, was responsible for the decision to allow guns to move through an illicit network and into the hands of criminals.

Officials say that ATF agents lost track of about 1,400 of more than 2,000 guns identified in the operation. A number of the guns have been recovered at crime scenes in Mexico.

### **Holder blasts GOP critics for their attacks over Fast and Furious gun operation -**

*By Terry Frieden, CNN Justice Department Producer*

Washington (CNN) -- Attorney General Eric Holder angrily responded Friday to Republican critics of his handling of a controversial gun enforcement operation, charging them with using "irresponsible and inflammatory rhetoric."

"I simply cannot sit idly by as a (Republican) member of the House Committee on Oversight and Government Reform suggests, as happened this week, that law enforcement and government employees who devote their lives to protecting our citizens be considered "accessories to murder," Holder said in a letter to members of Congress.

"Such irresponsible and inflammatory rhetoric must be repudiated in the strongest possible terms," he said.

The bitter debate follows the release this week of Justice Department documents on Capitol Hill that prompted Republican critics to charge Holder knew about the now-discredited Fast and Furious gun operation before he previously claimed in testimony before the Oversight Committee.

Holder did not mention by name anyone other than Oversight Committee Chairman Darrell Issa in his stinging rebuke of the charges that have been leveled at the attorney general.

Holder insisted, as his Justice Department aides have for several days, that he was not inconsistent in his testimony.

"My testimony was truthful and accurate," Holder said. "I have no recollection of knowing about Fast and Furious or of hearing its name prior to the public controversy about it. Prior to early 2011, I certainly never knew about the tactics employed in the operation."

The tactics Holder referred to center on Alcohol, Tobacco, Firearms and Explosives agents allowing illegally purchased guns to "walk" from Arizona gun stores to Mexico. The ATF plan was to track the weapons to Mexican drug cartels. However, many of the guns were lost in the operation, and two of them ended up at the scene where U.S. Border Patrol Agent Brian Terry was murdered.

Holder insists that when he learned of those tactics he stopped "uncontrolled crossing of guns across the border," and called for an inspector general investigation to get to the bottom of the matter.

Frederick Hill, a spokesman for the committee chaired by Issa, issued a statement in response to Holder's letter.

"If Attorney General Holder had said these things five months ago when Congress asked him about Operation Fast and Furious, it might have been more believable. At this point, however, it's hard to take at face value a defense that is factually questionable, entirely self-serving, and a still incomplete account of what senior Justice Department officials knew about gun walking," Hill said.

Holder's five-page letter included detailed explanations in response to various points raised by his critics.

He concluded by saying: "Until we move beyond the current political climate, where real solutions take a back seat to both political posturing and making headlines on cable news programs, and is deemed more important than actually solving our

### **Bloomberg: Holder Says His Congressional Testimony on U.S. Gun Operation Was Truthful**

By Seth Stern - Oct 7, 2011 4:52 PM ET

Attorney General Eric Holder rebutted Republican claims that he gave misleading testimony to Congress about a program that allowed illegal gun purchases in the U.S. in an effort to link the weapons to Mexican drug cartels.

Holder said in a letter to lawmakers today that he didn't recall knowing about the Bureau of Alcohol, Tobacco, Firearms and Explosives program, called Fast and Furious, until public controversy about it earlier this year.

Republicans lawmakers have said newly released Justice Department documents contradicted Holder's statement during May 3 testimony before the House Judiciary Committee that he learned of the program "over the last few weeks." Lamar Smith, a Texas Republican who is chairman of the committee, wrote President Barack Obama requesting that a special prosecutor investigate.

“My testimony was truthful and accurate and I have been consistent on this point throughout,” Holder wrote. “I have no recollection of knowing about Fast and Furious or of hearing its name prior to the public controversy about it.”

Republican lawmakers have said references to the operation in weekly reports submitted to Holder's office in 2010 suggest he was aware of the operation earlier.

In his letter, Holder said “none of these summaries say anything about the unacceptable tactics employed by ATF.”

#### Staff Review

He said his staff “review these weekly reports and bring to my attention only those matters deemed to require my consideration or action.”

Holder's letter called Fast and Furious a “flawed response to a serious problem” on the Southwest border, which he described as the “front line in the battle against illegal gun trafficking.”

Holder's comments in the letter are “factually questionable, entirely self-serving” and incomplete, said a statement from Frederick Hill, a spokesman for the House Oversight and Government Reform Committee. Representative Darrell Issa, a California Republican and chairman of the panel, has been investigating the Fast and Furious operation.

<http://www.bloomberg.com/news/2011-10-07/holder-says-his-congressional-testimony-on-u-s-gun-operation-was-truthful.html>

#### **Legal Times: AG Holder Defends Testimony In Flap Over ATF Gun Sting**

Attorney General Eric Holder Jr. today fired back at critics who contend he concealed information from Congress earlier this year about his knowledge of the controversial gun trafficking investigation dubbed Operation Fast and Furious.

Addressing the recent criticism in a [letter \(.pdf\)](#) today to members of Congress, Holder defended his testimony in May before the House Oversight Committee, calling his statements about the gun program truthful and accurate.

Republican critics contend Holder knew more about the ATF program—which allowed straw purchasers to buy guns in the U.S. that ended up in the hands of criminals in Mexico—well before he declared in testimony that he had only recently learned about the failed operation. Sen. Chuck Grassley (R-Iowa) [this week pointed to memos](#) the attorney general received last year.

“In the past few days, some have pointed to documents that we provided to Congress as evidence that I was familiar with Fast and Furious earlier than I have testified,” Holder said in today's letter. “That simply is not the case and those suggestions mischaracterize the process by which I receive information concerning the activities of the Department's many components.”

Holder said his office receives more than 100 pages of “weekly reports” that are provided to members of staff for review even though the pages are addressed to him. He said the summaries provided to his front office “say anything about the unacceptable tactics” at the ATF.

“As attorney general I am not and cannot be familiar with the operational details of any particular investigation being conducted in an ATF field office unless those details are brought to my attention,” Holder said. “That did not happen with Fast and Furious until the public controversy arose in 2011.”

Holder said “the fact that even a single gun was not interdicted in this operation and found its way to Mexico is unacceptable.” Too many members of Congress, the attorney general continued, are opposed “to any discussion of fixing loopholes in our laws that facilitate the staggering flow of guns each year across our border to the south.”

The Fast and Furious operation, Holder said in the letter, was a “fundamentally flawed” response to the problem of gun trafficking on the Southwest border. The effects of the botched investigation, he said, will be felt for years. Investigators continue to find illegally smuggled weapons at crime scenes in the United States and in Mexico.

“This is both tragic and completely unacceptable,” Holder said.

Posted by Mike Scarcella

## **Holder Challenges 'Fast and Furious' Allegations in Scathing Letter to Congress**

By Mike Levine

Published October 07, 2011 | FoxNews.com

Attorney General Eric Holder, under new pressure from Republicans over when he learned of "Operation Fast and Furious," has mounted his most forceful defense to date, accusing critics of using "irresponsible and inflammatory rhetoric" and insisting his statements have been "truthful and accurate."

"I have no recollection of knowing about 'Fast and Furious' or of hearing its name prior to the public controversy about it," Holder wrote in a letter to congressional leaders Friday. "Prior to early 2011, I certainly never knew about the tactics employed in the operation."

The letter comes one day after the ranking Republican on the Senate Judiciary Committee, Sen. Charles Grassley, R-Iowa, distributed five memos addressed to Holder in July and August 2010, citing the gunrunning investigation by name. Nearly a year after those heavily redacted memos were sent, the attorney general in May told lawmakers under oath he "probably heard about Fast and Furious for the first time over the last few weeks."

A spokesman for Rep. Darrell Issa, R-Calif, who as chairman of the House Oversight and Government Reform Committee is leading a congressional investigation into "Fast and Furious," said he found Holder's letter unconvincing.

"If Attorney General Holder had said these things five months ago when Congress asked him about 'Operation Fast and Furious,' it might have been more believable," the spokesman said. "At this point, however, it's hard to take at face value a defense that is factually questionable, entirely self-serving, and a still incomplete account of what senior Justice Department officials knew about gun walking."

The broader back-and-forth focuses on tactics used by ATF investigators in Arizona to target major gunrunners. Launched in late 2009, the investigation planned to follow gun purchasers in hopes that suspects would lead them to the heads of Mexican cartels. But high-powered weapons tied to the investigation ended up at crime scenes in Mexico and the United States, including the murder of Border Patrol Agent Brian Terry late last year.

After the release of the memos Thursday, Issa said Holder "has failed to give Congress and the American people an honest account of what he and others knew about gun-walking and Operation Fast and Furious," calling "the lack of candor ... deeply disturbing."

In addition, House Judiciary Committee Chairman Lamar Smith, R-Texas, is calling for a special counsel to look into the matter. And earlier Friday, sheriffs from 10 Arizona counties echoed the call, accusing Holder and the Justice Department of "betraying every law enforcement officer in America, especially Arizona."

In his letter, Holder said it's his most ardent critics who have "heaped" disrespect upon the nation's law enforcement officers.

The attorney general said he "cannot sit idly by" while, for example, a Republican on the House Oversight Committee suggests "that law enforcement and government employees who devote their lives to protecting our citizens be considered 'accessories to murder.'" Holder, referring to a comment by Rep. Paul Gosar, R-Ariz., called on his critics to "denounce" such statements.

He noted he has so far remained relatively mum on the matter, while the Justice Department's inspector general completes its own investigation, launched at Holder's behest. But, he said Friday, he feels compelled to speak out now because "the public discourse concerning these issues has become so base and so harmful to interests that I hope we all share."

The memos cited by Holder's critics were from Michael Walther, the director of the National Drug Intelligence Center, and addressed to the attorney general himself.

They describe a "Phoenix-based firearms trafficking ring" with "direct ties to the Sinaloa Cartel, which is suspected of providing \$1 million for the purchase of firearms in the greater Phoenix area." The memos contain the same unredacted information, outlined in a nearly identical paragraph each time.

In his statement Thursday, Grassley noted the memos specifically said the suspected "straw buyers" were "responsible for the purchase of 1,500 firearms that were then supplied to Mexican drug trafficking cartels."

Grassley said: "With the fairly detailed information that the attorney general read, it seems the logical question for the attorney general after reading in the memo would be 'why haven't we stopped them?' ... And if he didn't ask the questions, why didn't he or somebody in his office?"

In his letter Friday, Holder said such statements "mischaracterize the process by which I receive information concerning the activities of the department's many components."

He said his office typically receives more than 100 pages of "so-called 'weekly reports' that, while addressed to me, actually are provided to and reviewed by" his staff and the deputy attorney general's staff. He said he does not "and cannot read them cover-to-cover."

"Please note that none of these summaries [recently disclosed] say anything about the unacceptable tactics employed by ATF," he wrote. And, he said, "No issues concerning Fast and Furious were brought to my attention because the information presented in the reports did not suggest a problem."

Still, Holder acknowledged in his letter that "senior officials" within his department "were aware at the time that there was an operation called 'Fast and Furious' although they were not advised of the unacceptable operational tactics being used." He noted that, according to Issa himself, even the ATF head at the time has said he didn't know about the tactics being used by his own agency.

Holder also made a point of noting "the flawed tactics employed" were also used "in an investigation conducted during the prior administration."

From 2006 to about the end of 2007, as part of "Operation Wide Receiver," investigators "permitted guns to be transferred to suspected gun traffickers and had not interdicted them," according to a current Justice Department official.

The investigation was initiated after ATF "received information about a suspicious purchase of firearms," the official said. But the controversial tactics were only discovered in 2009 after prosecutors began reviewing the case for possible prosecution, resulting in two sets of indictments, according to the official.

On Wednesday, the newly assigned ATF head, B. Todd Jones, said "everything is under review" in the way of investigative practices and processes at the agency.

"We've got to hit the reset button and move forward," he said.

*Fox News' William LaJeunesse contributed to this report.*

Read more: <http://www.foxnews.com/politics/2011/10/07/holder-challenges-fast-and-furious-allegations-in-scathing-letter-to-congress/print#ixzz1a8LKsc2q>

### **CBS: Deputy AG received detailed Fast and Furious briefing**

By [Sharyl Attkisson](#)

Documents recently turned over by the Justice Department to Congressional investigators indicate that then-Deputy Attorney General Gary Grindler received a detailed briefing on Fast and Furious more than a year and a half ago.

"Deputy Attorney General" is the Justice Department's number two figure, directly under Attorney General Eric Holder.

Grindler moved from Deputy Attorney General to a spot as Holder's chief of staff last January.

The briefing Grindler attended was on March 12, 2010, six months in to ATF's Operation Fast and Furious, which allowed thousands of weapons on the street in an attempt to track down Mexican drug cartels. Portions of the documents are redacted.

In handwritten notes about Fast and Furious that are not all legible, Grindler writes about "seizures in Mexico" and "links to cartel." He also noted "seizures in Mexico" on a map of Phoenix, the home base for Fast and Furious, and Mexico locations where some guns ended up. And Grindler made notations on a photograph of several dozen rifles.

There is no specific mention of the controversial tactic known as "letting guns walk" which, law enforcement sources say, was the heart of the Fast and Furious case.

CBS News asked the Justice Department what information Grindler may have shared with Attorney General Holder and when, but the Department did not answer those questions.

Yesterday, the President stated he has full confidence in Holder and reiterated that neither he nor Holder knew of the controversial tactics being used in Fast and Furious. Holder has asked the Inspector General to investigate.

As we reported on the Early Show, a CBS News Investigation has uncovered allegations of "gunwalking" in ten cities and five states, some of them dating back as far as 2006, under Bush Attorney General Alberto Gonzales.

### **AP Arizona: Arizona sheriffs blast gun-smuggling operation**

By AMANDA LEE MYERS, Associated Press - 25 minutes ago

PHOENIX (AP) — Ten Arizona sheriffs slammed the Obama administration on Friday over a botched federal operation that allowed more than 2,000 high-powered rifles to make their way to Mexico, calling for the president to launch an independent investigation and for Attorney General Eric Holder to step down or be fired.

Speaking at the state capitol in Phoenix, the sheriffs called the Bureau of Alcohol, Tobacco, Firearms and Explosives' 2009 operation, known as "Fast and Furious," a betrayal of state law enforcement.

Pinal County Sheriff Paul Babeu (BAB'-yew) said it's not a partisan issue, noting that the sheriffs joining him were Democrats and Republicans.

He says it's a public safety issue, and that the guns allowed into Mexico have been linked to dozens of crime scenes on both sides of the border.

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<http://www.google.com/hostednews/ap/article>

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### **Ten Arizona sheriffs demand probe of 'Fast and Furious'**

PHOENIX -- Led by Pinal County Sheriff Paul Babeu, 10 Arizona sheriffs are calling for an investigation into what U.S. Attorney General Eric Holder knew about "Operation Fast and Furious," a gun-running operation that put weapons into the hands of violent drug cartels in Mexico.

"Fast and Furious" was conducted by the Bureau of Alcohol, Tobacco and Firearms which critics say lost track of the weapons, including three that allegedly were found at the scene of the murder of U.S. Border Patrol Agent Brian Terry.

Babeu, an outspoken critic of the federal government's enforcement of immigration law, was joined outside the Arizona Capitol building Friday by the other sheriffs, representing nine of Arizona's 15 counties. Babeu called "Fast and Furious" a betrayal of state law enforcement. He said the issue is not partisan, but a public safety issue and that guns allowed into Mexico have been linked to dozens of crime scenes on both sides of the border.

"I want the truth, I want the truth from the attorney general, I want the truth from all of those people who are involved," Babeu said.

If Holder is found to have lied about his knowledge of "Fast and Furious," he should resign, Babeu said.

Cochise County Sheriff Larry Dever, whose county borders Mexico, said U.S. authorities are in a fight for our country, our Constitution and our very lives.

"While our own government is blaming America for exporting arms and cash south of the border, they're complicit," Dever said.

Babeu said "Fast and Furious" is no small scandal.

"I believe that this is a much larger scandal than anything that took place in Watergate because off of this information has had to be dragged out through Congress," he said.

Babeu said 1,500 weapons remain unaccounted for and there's no doubt more bloodshed will occur.

<http://ktar.com/category/local-news-articles/20111007/Ten-Arizona-sheriffs-demand-probe-of-%60Fast-and-Furious/>