

**To:** Attorney General  
**From:** Attorney General  
**Sent:** Sat 10/8/2011 12:48:39 PM  
**Subject:** Fw: Any more?

----- Original Message -----

**From:** Attorney General  
**Sent:** Saturday, October 08, 2011 08:48 AM  
**To:** Schmaler, Tracy (OPA); Grindler, Gary (OAG); Cole, James (ODAG); Delery, Stuart F. (OAG); Richardson, Margaret (OAG)  
**Subject:** Re: Any more?

More: their logical first reaction after they reviewed the docs WE sent them (belies the notion we've been holding back) should have been "I wonder if AG saw these?" Not their gotcha response- too typical of a hyper partisan, broken Washington. Play into the larger narrative.

----- Original Message -----

**From:** Schmaler, Tracy (OPA)  
**Sent:** Saturday, October 08, 2011 01:08 AM  
**To:** Attorney General  
**Subject:** Re: Any more?

great - heard it went well. below are LA Times, NYT and WSJ -- same kind of stories casting the letter as a strong rebuke. all in all - went well.

we're getting the wide receiver op during bush administration as a standard graph in some of the mainstream coverage (WSJ, AP, and our CBS friend) - which is good, helps keep them off the notion that this isolated one administration

volley is to issa -- we'll see what he brings next week.

Atty. Gen. Holder strikes back at GOP critics

By Richard A. Serrano, Washington Bureau  
5:37 PM PDT, October 7, 2011

Atty. Gen. Eric H. Holder Jr. confronted a week of allegations that he had misled Congress about his knowledge of the failed Fast and Furious gun-tracking program, lashing out at his Republican critics and contending that he knew nothing about secret tactics to allow illegal arms sales on the Southwest border.

Holder said in an angry five-page letter that reports to his office mentioning the operation never discussed tactics and generally were provided as updates on law enforcement efforts around the country. But Holder, breaking his silence after months of trying to remain above the divisive allegations over who knew what about the operation, took his biggest swipe at congressional Republicans.

He said he was prompted to speak out because he "simply cannot sit idly by." He said he had remained silent because his inspector general's office was investigating the matter. But, Holder added, "in the past few days, the public discourse concerning these issues has become so base and so harmful."

The letter was a sign the normally even-tempered Holder had had enough of Republican criticism and suggested his Department of Justice wanted to seize the upper hand in the continuing controversy, on which President Obama commented Thursday.

The letter was primarily directed at Rep. Darrell Issa (R-Vista), who chairs the House Committee on Oversight and Government Reform, and Sen. Charles E. Grassley of Iowa, top Republican on the Senate Judiciary Committee. Since early last year they have led the GOP's investigation into Fast and Furious.

Less than half an hour after Holder's letter was released, Issa's office responded.

"If Atty. Gen. Holder had said these things five months ago when Congress asked him about Operation Fast and Furious, it might have been more believable," said Frederick R. Hill, the House committee's spokesman. "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."

Fast and Furious, which began in Phoenix in the fall of 2009, allowed the illegal sale of more than 2,000 firearms with the expectation the federal Bureau of Alcohol, Tobacco, Firearms and Explosives would track the guns to Mexican drug cartels. Most of the guns were lost. Two showed up at the site in Arizona where a U.S. Border Patrol agent was killed; more were recovered at 170 crime scenes in Mexico.

Some GOP lawmakers suggested that Holder be tried for perjury for testifying in May that he had only recently learned of Fast and Furious. Others have said that some Justice Department officials should be prosecuted as accomplices to murder.

But Holder said his testimony was in response to when he learned of the undercover tactics. "I certainly never knew about the tactics employed in the operation," he said.

#### Holder Reacts to Criticism of Gun Inquiry New York Times

WASHINGTON — Attorney General Eric H. Holder Jr. lashed out at members of Congress who are investigating Justice Department actions in a disputed gun-trafficking inquiry, saying Friday in a letter that public discussion about the issue had become "base" and "inflammatory" and was aimed solely at gaining political advantage.

Mr. Holder was referring to comments made this week by Representative Paul Gosar, an Arizona Republican who is a member of the House Committee on Oversight and Government Reform. He implied that those responsible for the gun-trafficking investigation, known as Operation Fast and Furious, were accessories to murder.

Mr. Gosar was quoted in an article in the Daily Caller, a conservative Web site, as saying that the flawed gun-trafficking investigation resulted in criminal activity. "When you facilitate that, and a murder or a felony occurs, you're called an accessory," he said.

In the investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives allowed suspected low-level straw buyers for a gun-trafficking network to buy and transport guns. Their hope was that the buyers would provide a trail to the kingpins of the weapons network, which was believed to be providing guns to a Mexican drug cartel.

But the bureau lost track of hundreds of guns, with some of them turning up in Mexico and two found at the scene of the killing of a Border Patrol agent in December. In his letter to the chairmen and ranking minority members of three House and Senate

committees, Mr. Holder referred to Mr. Gosar's statements and said, "Such irresponsible and inflammatory rhetoric must be repudiated in the strongest possible terms."

"Those who serve in the ranks of law enforcement are our nation's heroes and deserve our nation's thanks, not the disrespect that is being heaped on them by those who seek political advantage," Mr. Holder wrote. "I call on you to denounce these statements."

Mr. Gosar said he found Mr. Holder's explanation "unacceptable and his deference of responsibility for the crimes associated with this operation reprehensible," and he joined other Republican lawmakers in calling on Mr. Holder to resign.

Mr. Holder told a Congressional committee in May that he had learned about the operation only a few weeks earlier. But this week, Republicans cited newly released documents suggesting that the attorney general received reports in 2010 referring to the operation.

In his letter, Mr. Holder defends his earlier statements about his prior knowledge of the operation. But he also offers new information, saying, "I now understand some senior officials within the 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 in it."

Frederick R. Hill, a spokesman for Representative Darrell E. Issa, a Republican of California and chairman of the House oversight committee, said in a statement that Mr. Holder's statements "might have been more believable" if they had been offered at the May hearing. "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 the operation, Mr. Hill said.

#### HOLDER DEFENDS STANCE IN GUN-RUNNING PROBE

By Evan Perez

WSJ

Attorney General Eric Holder called a botched federal sting of gun trafficking in Arizona "fundamentally flawed," but said he didn't mislead lawmakers conducting a probe into the matter.

Mr. Holder made the remarks in a letter Friday to members of Congress. The letter provided for the first time detailed comments about Operation Fast and Furious, a program run by Bureau of Alcohol, Tobacco, Firearms and Explosives agents in Phoenix in 2009-10.

In Fast and Furious, ATF agents used tactics that allowed suspected smugglers to buy about 2,000 firearms, with the aim of following their trail to help bring a major case against top traffickers. Many of the guns turned up in crime scenes in Mexico and the U.S., and hundreds remain unaccounted for.

The letter is a response to the political heat Mr. Holder faces after months of criticism from Republican lawmakers who have held hearings and tried to tie the operation to him and other senior officials.

"There is no doubt that Operation Fast and Furious was fundamentally flawed," Mr. Holder said in his letter. He added, "Regrettably, its effects will be felt for years to come as weapons that should have been interdicted, but were not, continue to show up at crime scenes in this country and Mexico."

Mr. Holder also lashed out at Republican critics for using what he called "irresponsible and inflammatory rhetoric."

Rep. Darrell Issa (R., Calif.), chairman of the House Oversight and Government Reform

Committee, and Sen. Charles Grassley (R., Iowa) have led the congressional probe into the bungled sting. Mr. Holder's letter was addressed to the two lawmakers and senior House Democrats on the Judiciary and oversight panels.

This week, Republicans claimed Mr. Holder misled Congress when he said at a May hearing this year that he only learned about Fast and Furious "in recent weeks." The lawmakers released Justice Department documents that included briefing memorandums provided by lower-level officials to Mr. Holder's office last year.

"My testimony was truthful and accurate," Mr. Holder wrote in Friday's letter. He added that he had "no recollection" of hearing the operation's name or knowing about the "unacceptable tactic" used, which critics have called "gun walking."

He said attorneys in his office reviewed the briefing memos provided by the ATF and other Justice Department agencies. None detailed the tactics now called into question, 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," Mr. Holder said.

Frederick Hill, a spokesman for Mr. Issa, said: "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."

President Barack Obama on Thursday backed Mr. Holder during a news conference, saying he had "complete confidence" in his attorney general.

The lawmakers and the Justice Department have also tussled over a 2006-07 operation called Wide Receiver, run by the same Phoenix ATF office, which involved the smuggling of more than 400 firearms. The Wide Receiver operation indicates that the ATF tactics—which critics call "gun-walking"—were used during both the Bush and Obama administrations.

Mr. Holder's letter said lawmakers should focus on "fixing loopholes in our laws that facilitate the staggering flow of guns each year across our border." He said that while criticizing the ATF's tactics in Fast and Furious, the lawmakers haven't made efforts to help the ATF get the resources it needs.

On Oct 7, 2011, at 9:49 PM, **Attorney General** wrote:

- > Speech done
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- > On the plane
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