From: Scheel, Ann (USAAZ)

To: Burke, Dennis (USAAZ); Hernandez, Rachel (USAAZ); Sherwood, Robert (USAAZ) [Contractor];

Cunningham, Patrick (USAAZ)

Sent:

6/15/2011 4:21:46 PM

Subject:

WSJ article

By EVAN PEREZ

Family members of a U.S. border agent killed in a December shootout provided emotional testimony Wednesday before a House committee examining gun enforcement tactics that some lawmakers said allowed thousands of firearms to fall into the hands of smugglers with ties to Mexican drug cartels.

Two assault rifles purchased at a gun store that was being monitored in the federal trafficking probe, called Fast and Furious, were found at the scene of the Arizona shootout that killed agent Brian Terry. His death and allegations by whistle-blowers have prompted a growing controversy over tactics used in the investigation.

The hearing Wednesday by the Oversight and Government Reform Committee is part of the panel's investigation into how the Bureau of Alcohol, Tobacco, Firearms and Explosives ran the Fast and Furious operation.

The Phoenix ATF office led the operation in 2009-10 to monitor weapons purchases by suspected gun traffickers. The agency hoped to build a case against major arms smugglers to Mexican drug cartels. Republican lawmakers leading the probe say the ATF didn't have the means to track the guns and should have known that such tactics would backfire. Mr. Terry's mother and sister sat in the hearing room as Mr. Terry's cousin, Robert Heyer, tearfully read a statement on behalf of the family describing the late agent's career path from U.S. Marine to local cop in Michigan, to the Border Patrol.

Mr. Heyer described the family's anguish at learning of Mr. Terry's death in a phone call in the middle of the night 10 days before Christmas. He paused repeatedly as he described the painful reminders of his death when relatives received presents he had mailed shortly before he was killed.

Mr. Heyer urged the ATF and other officials to help provide answers in the congressional probe. "We ask that if a government official made a wrong decision that they admit their error and take responsibility for his or her actions," he said.

The Justice Department has said the operation never was intended to let weapons be trafficked to Mexico. Attorney General Eric Holder was troubled by the allegations and has ordered an inspector-general investigation of the operation, the Justice Department has said.

A congressional report produced ahead of the hearing includes testimony from four Phoenix ATF agents, who described how they and other agents battled supervisors. The dissenting agents said they wanted to make arrests instead of allowing illicit guns into circulation, fearing they would lead to deaths. Supervisors insisted that the investigation proceed, aiming to trace them to weapons traffickers, the congressional report shows.

Rep. Darrell Issa of California, chairman of the House oversight committee, and Sen. Chuck Grassley of Iowa, the senior Republican on the Senate Judiciary Committee, said their joint investigation showed that Fast and Furious wasn't just a local operation in Phoenix. "It was a conscious decision by senior officials," Mr. Grassley said. "It was briefed up to Washington, D.C. According to an internal briefing paper, Operation Fast and Furious was intentionally designed to 'allow the transfer of firearms to continue to take place.'"

Mr. Issa released ATF internal emails that identified the senior ATF officials involved, including Kenneth Melson, the ATF acting director.

One email among ATF officials describes Mr. Melson's request for the Internet address for hidden cameras that ATF planted in gun shops cooperating with the Fast and Furious probe, Mr. Issa said, citing the documents. That allowed Mr. Melson to sit at his desk and watch a live feed of suspected straw buyers who make small purchases on behalf of gun traffickers buying AK-47-style rifles, Mr. Issa said.

Mr. Issa told the hearing: "I hope that this bipartisan oversight effort will shed truth on this reckless program, hold those responsible to account for their decisions, and ultimately correct serious flaws in the Department of Justice so that this mistake isn't repeated."

Rep. Elijah Cummings, of Maryland, the top Democrat on the oversight panel, called the committee's findings so far "very troubling." He cited testimony that instead of agents following the guns, "surveillance of suspected straw purchasers was discontinued repeatedly, seemingly for no reason, so agents could return to gun stores to start over with new suspects."

ATF agents interviewed by congressional investigators described supervisors trying to tamp down agents' misgivings about the strategy to allow the weapons purchases.

Peter Forcelli, one of three ATF agents who testified Wednesday, provided a scathing assessment of the Fast and Furious operation, saying it exhibited a "colossal failure of leadership."

"Allowing firearms to be trafficked to criminals is a dangerous and deadly strategy," Mr. Forcelli testified.

Ann Birmingham Scheel First Asst. U.S. Attorney

Dist. of Arizona

Desk: (602) 514-7518 Cell: (602) 721-5687