
From: Richardson, Margaret (SMO)
To: Weich, Ron (SMO)
Sent: 6/21/2011 9:46:08 AM
Subject: Re: AG / Issa exchange at 5/3/11 HJC hearing --

Thanks.

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

From: Weich, Ron (SMO)
Sent: Tuesday, June 21, 2011 09:41 AM
To: Richardson, Margaret (SMO)
Subject: AG / Issa exchange at 5/3/11 HJC hearing --

Here is the full round with Issa. The "when did you first learn about it" exchange is early. And the full transcript is attached.

REPRESENTATIVE DARRELL ISSA (R-CA): Thank you, Mr. Chairman. Mr. Attorney General, I'd like to thank you for the work that the U.S. attorney, Laura Duffy, is doing in San Diego going after coyotes, going after gun traffickers at the border, the work in my border district area of making our cities safer, because the crime in Mexico often stops at the border -- because of her work and willingness to prosecute human traffickers and gun traffickers is very much appreciated -- so just so you hear two sides of the California story for a moment.

Mr. Attorney General, we have two Border Patrol agents who are dead, who were killed by guns that were allowed, as far as we can tell, to deliberately walk out of gun shops under the program often called Fast and Furious. This program, as you know -- and the president's been asked about it; you've been asked about it -- allowed for weapons to be sold to straw purchasers, and ultimately many of those weapons are today in the hands of drug cartels and other criminals.

When did you first know about the program, officially, I believe, called Fast and Furious? To the best of your knowledge, what date?

ATTY. GEN. HOLDER: I'm not sure of the exact date, but I probably heard about Fast and Furious for the first time over the last few weeks.

REP. ISSA: Now that you've been briefed on it, the president has said on March 22nd that you didn't authorize it. Did your deputy attorney general, James Cole, authorize it?

ATTY. GEN. HOLDER: I'm sorry --

REP. ISSA: The deputy attorney general, James Cole.

ATTY. GEN. HOLDER: Did he -- I couldn't hear. Did he --

REP. ISSA: Did the deputy -- did the deputy attorney general authorize it?

ATTY. GEN. HOLDER: My guess would be no. Mr. Cole, I don't think, was in the -- I think. I don't think he was in the department at the time that operation started.

REP. ISSA: But he's been aware of it much longer.

ATTY. GEN. HOLDER: He's been aware of it much longer?

REP. ISSA: Than you have, since you've only been aware of it a few weeks.

ATTY. GEN. HOLDER: I'm not sure --

REP. ISSA: How about the head of the Criminal Division, Lenny Breuer? Did he authorize it?

ATTY. GEN. HOLDER: I'm not sure whether Mr. Breuer authorized it. You have to understand the way in which the department operates, although there are -- there are operations -- this one has become, has gotten a great deal of publicity --

REP. ISSA: Yeah, there are dead Americans as a result of this failed and reckless program. So I would say that it hasn't gotten enough attention, has it, Mr. Attorney General?

ATTY. GEN. HOLDER: Well, not necessarily. I mean, there's an investigation that is under way. (Inaudible.)

REP. ISSA: I'm aware of that investigation. Let me follow up with a couple of questions.

ATTY. GEN. HOLDER: (Inaudible) -- and we will have to look at that to see exactly what happened with regard to -- (inaudible) --

REP. ISSA: Well, Mr. Attorney General --

ATTY. GEN. HOLDER: -- I take very seriously the allegation -- (inaudible) --

REP. ISSA: Well, Mr. Attorney General, do you take seriously -- Mr. Attorney General, do you take -- do you take seriously a subpoena signed by the clerk of the House?

ATTY GEN. HOLDER: Of course.

REP. ISSA: After 14 days of waiting for a letter to be signed or acknowledged or responded to, we sent a subpoena signed by the clerk of the House. Thirty-two days later, last night, your people responded by giving us 92 pages representing three documents that were public records already, all of -- were available and saying that the other 400 or so responsive pages were not going to be produced. Do you stand by that and are -- were you aware of that?

ATTY GEN. HOLDER: I think we indicated that the other 400 pages would be made available for review, just to be accurate, I think. So those in essence were being made available as well.

REP. ISSA: And that took 32 days to get that answer?

ATTY GEN. HOLDER: The information was gathered as quickly as it could. I've taken steps to enhance our ability to respond to subpoenas and document requests in that regard. I was not satisfied with the pace at which these things were happening and, as I said, I've taken some steps to make sure that we are more responsive.

REP. ISSA: Mr. Attorney General, do you agree that Congress has an independent responsibility, particularly when U.S. persons have been killed because of a failed and reckless program, to investigate those who authorized, approved, knew about it and in some other way were responsible for it?

ATTY GEN. HOLDER: Well, as I indicated to you last night when we spoke about this at the White House, yeah, I think that there is a legitimate oversight responsibility that Congress has, but I think also Congress has to use that oversight responsibility in a responsible way. We have cases -- 20 matters that will go to trial in June of this year so --

REP. ISSA: Mr. Attorney General, isn't it true that those cases that will go to trial in June -- I have very limited time; I'm sorry -- those cases are basically a bunch of meth addicts who did the buying -- that you do not have what this program was supposed to produce, you don't have the kingpins, you don't have the places it went. What you have are the people that you already had on videotape many, many months before indictments were brought. Isn't this true?

ATTY GEN. HOLDER: There are cases that are important that we are trying to bring that we wanted to try successfully, and they are part of a scheme. They are part of a scheme. You can't look at a case and its -- and as an individual matter and think it is unimportant, because small cases lead to larger ones, and that's why it is important.

REP. ISSA: I'd ask unanimous consent for an additional 30 seconds.

ATTY GEN. HOLDER: That's why these cases are important, and that is why we --

REP. SMITH: Without objection, the gentleman is recognized for an additional 30 seconds.

REP. ISSA: Mr. Attorney General, my final question, though, is, from what you're saying about a scheme and so on, do you stand by this program? In other words -- and it's not a hypothetical, really -- if you knew this program -- knew about this program 90 days ago, 180

days ago, would you have allowed it to continue? And, if not, then what are you going to do about the people who did know and allowed it to continue?

ATTY GEN. HOLDER: Well, what I have told people at the Department of Justice is that under no circumstances in any case that -- any investigation that we bring should guns be allowed to be distributed in an uncontrolled manner. (Inaudible.)

REP. ISSA: So that would be consistent with the March 9th letter from Deputy Attorney General James Cole in which he said that we should not design or conduct undercover operations, which include guns crossing the border; if we have knowledge that guns are about to cross the border, we must take immediate action to stop the firearms from crossing the border and so on. That's your policy today?

ATTY GEN. HOLDER: That has -- that is our policy. That has certainly been the policy that I've tried to impose -- (inaudible) --

REP. ISSA: And isn't Fast and Furious inconsistent with that policy?

ATTY GEN. HOLDER: Well, that's one of the questions that we'll have to see: whether or not Fast and Furious was conducted in a way that's consistent with what Jim wrote there and what I have said today, and that's what the inspector general is in fact looking at.

REP. ISSA: And will you agree to work with both this committee, of course, and the other committees investigating this as to -- we're not looking at the straw buyers, Mr. Attorney General. We're looking at you for our purchasers. We're looking at you. We're looking at your key people who knew or should have known about this and whether or not your judgment was consistent with good practices and whether or not instead the Justice Department is basically guilty of allowing weapons to kill Americans and Mexicans. So will you agree to cooperate with that investigation both on the House and Senate side? ATTY GEN. HOLDER: We'll certainly cooperate with all the investigations, but I'm going to take great exception to what you just said. The notion that somehow or other this Justice Department is responsible for those deaths that you mentioned, that assertion is offensive, and I want to tell you that -- (inaudible) -- policy --

REP. ISSA: What if -- what if it's accurate, Mr. Attorney General?

ATTY GEN. HOLDER: -- of the Justice Department to make sure that we do all that we can to protect law enforcement agents. It is one of the reasons why I have tried to look at, you know, a whole variety of methods, techniques that we can use to protect the lives of law enforcement agents. It is something that this country has not focused enough on. Over the last two years, the rate at which people in law enforcement have been killed has risen about -- (inaudible).

REP. ISSA: What am I going to tell Agent Terry's mother about how he died at the hand of a gun that was videotaped as it was sold to a straw purchaser fully expecting it to end up in the hands of drug cartels?

ATTY GEN. HOLDER: Well, you know, one, we'll have to see exactly what happened with regard to the guns that are at issue there. And I've attended the funerals, you know. This is something that -- this isn't theoretical. It's not political. This is extremely real for me as attorney general.

REP. ISSA: It is for us, too.

ATTY GEN. HOLDER: I've looked into the eyes --

REP. ISSA: I thank the chairman.

REP. SMITH: The gentleman's time has expired.

ATTY GEN. HOLDER: No, I've had to look into the eyes of widows, of mothers who have lost sons. I have felt their pain. And the notion that somehow, some way we are less than diligent, less than strong in our determination to keep the people who put their lives on the line every day to protect the American people -- that we're doing -- not doing all that we can to protect them is inconsistent with the facts, inconsistent with the people who serve in the Department of Justice.

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

From: Richardson, Margaret (SMO)

Sent: Tuesday, June 21, 2011 9:36 AM

To: Weich, Ron (SMO)

Subject:

Could you please ask someone to pull the AG's exchange with Issa about when he learned about Fast and Furious? Thank you.