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Subject: Fw: There's Still No Evidence That Eric Holder Knew About Operation Fast and Furious -

From: Schmalzer, Tracy (SMO)
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To: Reich, Steven (ODAG); Axelrod, Matthew (ODAG); Burton, Faith (SMO); Colborn, Paul P (SMO); Richardson, Margaret (SMO); Weich, Ron (SMO)
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There's Still No Evidence That Eric Holder Knew About Operation Fast and Furious

Mike Riggs | July 11, 2011

Picture (Device Independent Bitmap) Contrary to the smoking gun being waved around in the right blogosphere, there's still no evidence that Attorney General Eric Holder knew about the Alcohol Tobacco and Firearms program "Fast and Furious," in which ATF agents stood idly by as guns that were illegally purchased in the United States were trafficked to Mexico, where cartels used them to kill U.S. Border Patrol Agent Brian Terry and God only knows how many Mexicans.

As evidence that Holder knew about the program, Big Government and the *Washington Examiner* have both cited a speech Holder gave in Cuernavaca, Mexico, in April 2009, in which the AG said:

Last week, our administration launched a major new effort to break the backs of the cartels. My department is committing 100 new ATF personnel to the Southwest border in the next 100 days to supplement our ongoing Project Gunrunner, DEA is adding 16 new positions on the border, as well as mobile enforcement teams, and the FBI is creating a new intelligence group focusing on kidnapping and extortion. DHS is making similar commitments, as Secretary Napolitano will detail.

Big Government and the *Washington Examiner* have pointed to this speech as evidence that Holder lied when he told the House Oversight Committee in May that he had no knowledge of Fast and Furious while it was being conducted. But Project Gunrunner, which Holder mentioned in his Cuernavaca speech, and Fast and Furious, which led to Terry's death, aren't the same program.

Project Gunrunner began under President Bush in 2005 and involves several law enforcement agencies within the DOJ, including the FBI, the DEA, the ATF, and the U.S. Marshals. Straw buyers would purchase guns illegally, and ATF would bust them before they left the parking lot. The program apparently turned up a lot of meth heads.

Fast and Furious, the subject of two investigations--one by the DOJ Inspector General's office, one by the House Oversight Committee--began in 2009 and was intended to catch bigger fish; perhaps whoever was directing the straw buyers. Since the program was exposed by CBS earlier this year, the DOJ has called the actions of those involved with Fast and Furious "illegal."

DOJ Spokesperson Tracy Schmalzer said in an email today that it was inaccurate to conflate the two programs.

"Holder said he became aware of the ATF agents concerns about certain tactics used in Fast and Furious earlier this year. That's when he asked the IG to investigate those concerns," she emailed today. "That's different than knowing there are enforcement efforts along the SW border to stop illegal gun trafficking. The department has several agencies working on those efforts including ATF, FBI, DEA, Marshals."

And yet, Big Government and the *Examiner* both seem to think that Project Gunrunner and Fast and Furious are the same operation. "Holder bragged about Operation Gunrunner in 2009," is the title for the Examiner's post, in which Barbara Hollingsworth writes,

Big Government found a 2009 speech by Holder on the Department of Justice's own website that proves the attorney general was well aware of Operation Gunrunner back in 2009:

The problem with Holder's feigned ignorance is that he gave a speech in Cuernavaca, Mexico, on April 2, 2009, in which he boasted about Operation "Gunrunner" and told Mexican authorities of everything he was doing to insure its success.

When questioned by the media, Holder also denied knowing anything about Gunrunner:

"Holder's office at first vehemently denied ATF has ever knowingly allowed weapons to get into the hands of suspected gunrunners for Mexico's drug cartels," CBS News investigative correspondent Sharyl Attkisson reported.

But at the arms trafficking conference in Cuernavaca, Holder not only acknowledged the program, he bragged that he was in the process of expanding it.

Not only has Justice denied that Holder's 2009 speech proves he knew about Fast and Furious, but Oversight told me pretty much the same thing.

"The speech doesn't prove Holder knew about Fast and Furious. It shows the framework, the mindset, of the Department of Justice and Obama Administration," an Oversight Committee spox told me. "You're basically seeing the foundation for operation Fast and Furious. You're seeing these new programs, and that two months into Holder's time at Department of Justice they had decided to change the way ATF operated."

There's also the word of Acting ATF Director Ken Melson, who told Oversight last week that Holder had no knowledge of Fast and Furious. The entire transcript from that hearing has not been released, but according to the *Washington Post*, "people familiar with [the hearing] said that [Melson] indicated that Attorney General Eric H. Holder Jr. did not know about [Fast and Furious], that it would be unusual for other Justice Department officials in Washington to know the details and that the U.S. attorney's office in Phoenix was overseeing the program."