

From: Schmalzer, Tracy (OPA)
To: 'Schultz, Eric'
Sent: 10/4/2011 10:05:30 AM
Subject: RE: Politico: Docs put Holder on the spot in Fast & Furious

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From: Eric H. Schultz
Sent: Tuesday, October 04, 2011 9:59 AM
To: Schmalzer, Tracy (OPA)
Subject: FW: Politico: Docs put Holder on the spot in Fast & Furious

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Docs put Holder on the spot in Fast & Furious
By: Tim Mak
October 4, 2011 08:40 AM EDT
<http://www.politico.com/news/stories/1011/65083.html>

Attorney General Eric Holder knew about the Fast and Furious gun program as far back as July 2010, which may contradict his statements to Congress, new documents suggest.

Under the program, weapons were allowed to be illegally purchased in the Phoenix area so that they could be tracked to gun traffickers and drug cartel leaders. But the ATF lost track of these firearms, and many were allowed to cross into Mexico.

The documents, leaked to CNN<<http://www.cnn.com/2011/10/04/politics/holder-fast-and-furious/index.html>>, CBS <http://www.cbsnews.com/8301-31727_162-20115038-10391695.html> and other news organizations on Capitol Hill, indicate that Holder knew about the program well before he said he first became aware of it in testimony to Congress.

The documents include a memo to Holder from Michael F. Walter, Director of the National Drug Intelligence Center, dated July 5, 2010, that mentions Fast and Furious.

But in May 2011, Holder told a House committee hearing that he had only recently learned about Fast and Furious.

"When did you first know about the program, officially known as Fast and Furious?" asked Congressman Darrell Issa (R-CA), chair of the House Committee on Oversight and Government Reform.

"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," Holder replied.

The Justice Department strongly disputed any suggestion that Holder misled Congress.

A senior DoJ official told POLITICO that while Holder knew that an operation was going on in 2010, he was not aware until early 2011 of the controversial tactics used in Fast and Furious.

The Justice Department claims Issa's question referred to the controversial tactics of Fast and Furious and not the overall operation itself.

"The Attorney General has consistently said he became aware of the questionable tactics in

this operation in early 2011 when ATF agents first raised them publicly, and then asked the IG to investigate the matter," said the DoJ official.

The DoJ added that Issa, whose committee is conducting an investigation into the Fast and Furious program, was also informed of the operation in 2010.

"Chairman Issa, of all people, should be familiar with the difference between knowing about an investigation and being aware of the use of questionable tactics employed in that investigation since documents provided to his committee show he was given a briefing that included the Fast and Furious operation in 2010 - a year before the controversy emerged," said the senior DoJ official.

Meanwhile, other leaked documents show that senior Justice Department officials were aware of Fast and Furious in 2010. In an October 2010 email, Jason Weinstein, deputy attorney general in the DoJ's criminal division, wrote an email to Lanny Breuer, head of the criminal division about Fast and Furious, referencing "the number of guns that have walked."

Weapons linked to the program were later linked to the December 2010 shooting death of U.S. Border Patrol Agent Brian Terry. Two undercover police officers in Arizona were later allegedly assaulted <<http://www.politico.com/news/stories/0911/63068.html>> by men with firearms tied to the program back in March 2010.

Holder admitted in September that the Bureau of Alcohol, Tobacco Firearms' operation "was clearly a flawed enforcement effort."