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**From:** Sullivan, Bill (JMD)  
**To:** Axelrod, Matthew (ODAG)  
**Sent:** 10/4/2011 11:57:12 AM  
**Subject:** FW: F&F

Here's what OPA sent me, which was helpful. Thanks for the call.

Points On AG -

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 promptly asked the IG to investigate the matter.

In testimony in March 2011 before the Senate Appropriations Subcommittee, he provided the same answer - that he had recently become aware of the concerns with the operation and asked the IG to look into the matter. So when Chairman Issa asked about the operation, including the controversial tactics, months later in May 2011, the AG provided the same response. (see transcript below)

Transcript from 5/3 hearing

REPRESENTATIVE DARRELL ISSA (R-CA): 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.

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Transcript form 3/10 hearing

HEARING OF THE SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES OF THE SENATE  
APPROPRIATIONS COMMITTEE

DOJ-FF-61360

SEN. HUTCHISON: Yes, thank you, Madame Chairman. I'll try to also -- I will stick to the five-minute rule.

Let me ask you about the ATF issue that I mentioned in my opening statement, that there are reports that there was actually a knowledge of the ATF, of the sales that were going on, of the arms out of America, illegally out of America, into Mexico, purportedly, I think, to be able to trace them, but after the shooting of the agent in Mexico traced to those arms and also the shooting of the agent in Arizona. What is your view now on that particular program? And I know that you've asked for an IG study of it, but tell me if you think that that program should be continued. Is it the correct use of the Project Gunrunner subprogram, I guess? Because it -- of course, it's a great concern.

ATTY GEN. HOLDER: Well, first, I'd say that, you know, the mission of ATF and the mission to which they are dedicated is to stop the flow of guns into Mexico and to people who shouldn't have guns here in the United States. And that is the focus of ATF, and it is why ATF agents serve bravely in Mexico and in this country, and I think do a great job. It is true that there have been concerns expressed by ATF agents about the way in which this operation was conducted -- (inaudible) -- and I took those allegations, those concerns, very seriously, and asked the inspector general to try to get to the bottom of it. An investigation, an inquiry, is now under way.

I've also made clear to people in the department that letting guns walk -- I guess that's the term that the people use -- that letting guns walk is not something that is acceptable. Guns are different than drug cases or cases where we're trying to follow where money goes. We cannot have a situation where guns are allowed to walk, and I've made that clear to the United States attorneys as well as the agents in charge in the various ATF offices.

Points on Email-

This email referred to an operation that was conducted in the previous administration, from 2006 to approximately the end of 2007, known as Operation Wide Receiver, which was handled by ATF's Tucson office.

Operation Wide Receiver was initiated by the ATF in 2006 after it received information about a suspicious purchase of firearms. Although the investigation was concluded in 2007, no charges were filed. In about 2009, years after that investigation was concluded, the former Gang Unit reviewed the case for possible prosecution. During the review of the case, the Gang Unit prosecutor learned the ATF Arizona had permitted guns to be transferred to suspected gun traffickers and had not interdicted them.

Given the serious nature of the alleged gun trafficking and the available evidence, the Gang Unit prosecutor decided to bring charges against the gun traffickers, and did so. The investigation resulted in two sets of indictments that were unsealed toward the end of 2010.

Prior to the unsealing of the Wide Receiver indictments, in an email about the prosecution, a deputy assistant attorney general raised concerns about investigative methods in the Wide Receiver case. His reference to a "tricky case" in which the questionable tactics were used was to Wide Receiver (also referred to as "Laura's Tucson case") and not to Fast and Furious. He mentioned Fast and Furious only because of his belief at the time that the cases would be announced in close proximity.

The only connection made between Fast and Furious and Wide Receiver at the time was one of timing, not tactics.

The Criminal Division personnel involved in the Wide Receiver prosecution did not believe that the questionable tactics used in Wide Receiver -- an investigation conducted and concluded several years earlier in the previous administration and led by different agents in a different ATF office and supervised by a different AUSA in the Tucson U.S. Attorney's Office -- had any connection to Fast and Furious, which was opened in 2009 out of the Phoenix.