Congress of the United States

Washington, DC 20510

May 3, 2011

VIA ELECTRONIC TRANSMISSION

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Holder:

As Senator Grassley discussed on the phone with you yesterday, we are very concerned that the Department chose to send a letter containing false statements in response to his initial inquiry into the ATF whistleblower allegations related to Operation Fast and Furious. To be more specific, the Department sent a letter on February 4, 2011 claiming that the whistleblower allegations were "false" and that "ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico." When questioned in transcribed interviews last week in Phoenix, agents with first-hand knowledge of ATF operations contradicted that claim.

Specifically, in response to that exact quote, they said the Department's letter was "false" and could not explain how such a representation could be made to Congress in light of what they witnessed on the ground in Phoenix in late 2009 and 2010, prior to the death of Border Patrol Agent Brian Terry. In fact, according to these witnesses, there was a specific strategy implemented to *not* "make every effort" but rather to avoid interdicting weapons in hopes of making a larger case against higher-ups in the trafficking organization.

Therefore, we were surprised and disappointed to see the Department repeat once again, in slightly different language, its denial in a letter received shortly after your telephone conversation with Senator Grassley. Yesterday's letter reads, in part, "It remains our understanding that ATF's Operation Fast and Furious did not knowingly permit straw buyers to take guns into Mexico."

The documents and information previously provided to you demonstrate that the ATF urged gun dealers to go forward with sales to known straw buyers despite the concerns expressed by at least one dealer that the guns would be transferred to the border and possibly used against Border Patrol agents. ATF and Justice officials assured that dealer that unspecified safeguards were in place to ensure that did not happen. Yet, guns from that case were found at the scene of Border Patrol Agent Brian Terry's murder and at crime scenes in Mexico.

In its latest denial, the Department seems to focus more on whether ATF knew guns were being trafficked to Mexico than whether the ATF knew they were being purchased by straw buyers. While it might be typical in Washington for lawyers to narrowly parse statements and argue over fine distinctions to confuse the issue, those are not the kind of answers that we believe the Justice Department should give to Congress when asked straightforward questions about such a serious matter as this one.

You were asked to please explain whether you deny that the ATF allowed the sale of assault weapons to straw purchasers, and if so, why given the evidence that was attached. The reply was not signed by you, did not explain whether you stand by the denial, did not explain why, and did not meaningfully address the serious issues raised by the attached emails between a gun dealer and the ATF.

We are extremely disappointed that you do not appear to be taking this issue seriously enough to ensure that the Department's representations are accurate, forthcoming, and complete. We will continue to probe and gather the facts independently, as it has become clear that we cannot rely on the Department's self-serving statements to obtain any realistic picture of what happened.

Sincerely,

Darrell Issa, Chairman
Committee on Oversight &
Government Reform
U.S. House of Representatives

Chuck Grassley

Charles E. Grassley, Ranking Member
Committee on the Judiciary
United State Senate

PS: You should check to see if you are getting accurate information from your staff. You might be ill-served.