



Department of Justice

STATEMENT FOR THE RECORD OF

**ERIC H. HOLDER, JR.
ATTORNEY GENERAL**

BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES**

ENTITLED

“OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE”

PRESENTED

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**Statement of
Eric H. Holder, Jr.
Attorney General
United States Department of Justice
Before the
Committee on the Judiciary
United States House of Representatives
at a
Hearing Entitled
“Oversight of the United States Department of Justice”
Presented on
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Chairman Smith, Ranking Member Conyers, and members of the Committee. I appreciate the opportunity to appear before you today to describe the decisive action we have taken to ensure that the flawed tactics used in Operation Fast & Furious – and in earlier operations under the prior Administration – are never repeated.

For nearly three years, I have been privileged to work with this Committee to strengthen national security and law enforcement. I am extremely proud of our record of achievement.

In offices around the world, the Department’s 117,000 employees have made historic progress in protecting the American people from a range of unprecedented threats – from global terrorism and violent crime, to financial fraud, human trafficking, and more. We have disrupted numerous potentially devastating terror plots and successfully prosecuted scores of dangerous terrorists. The Department’s efforts on behalf of the most vulnerable among us, including victims of civil rights abuses and hate crimes, have never been more effective. And the partnerships we have built with state, local, and tribal law enforcement officials have never been stronger.

In our ongoing efforts to protect the American people and our brave law enforcement personnel, a critical area of focus will continue to be our battle against gun violence on the Southwest Border.

In recent years, the Department has devoted significant resources to this fight – and, specifically, to addressing the unacceptable rate of illegal firearms trafficking from the United States to Mexico. Unfortunately, in the pursuit of that laudable goal unacceptable tactics were adopted as a part of “Operation Fast and Furious.”

As I have repeatedly stated, allowing guns to “walk” – whether in this Administration or in the prior one – is wholly unacceptable. The use of this misguided tactic is inexcusable. And it must never happen again.

Soon after learning about the allegations raised by ATF agents involved with Fast and Furious, I took action designed to ensure accountability. In February, I asked the Department’s Acting Inspector General to investigate the matter, and in early March I ordered that a directive be sent to law enforcement agents and prosecutors prohibiting such tactics. More recently, the new Acting Director of ATF, Todd Jones, implemented reforms to prevent these tactics from

being used in the future, including training and stricter oversight procedures for all significant investigations.

Although the Department has taken steps to ensure that such tactics are never used again, it is an unfortunate reality that we will continue to feel the effects of this flawed operation for years to come. Guns lost during this operation will continue to show up at crime scenes on both sides of the border.

As we work to identify where errors occurred and to ensure that these mistakes never happen again, we must not lose sight of the critical challenge this flawed operation has highlighted: the battle to stop the flow of guns to Mexico.

Of the nearly 94,000 guns that have been recovered and traced in Mexico in the last five years, more than 64,000 were sourced to the United States. In the last five years, the trafficking of firearms across our Southwest Border has contributed to approximately 40,000 deaths.

The reforms we have undertaken do not make any of the losses of life more bearable for grieving families. These tragedies do, however, portray in stark terms the exceptionally difficult challenges that law enforcement agents confront every day in working to disrupt illegal firearms transfers. Operation Fast and Furious appears to have been a deeply flawed effort to respond to these very challenges. As we work to avoid future losses and further mistakes, it is unfortunate that some have used inflammatory and inappropriate rhetoric about one particular tragedy that occurred near the Southwest Border in an effort to score political points.

Nearly one year ago, working to protect his fellow citizens, U.S. Customs and Border Protection Agent Brian Terry was violently murdered in Arizona. We all should feel outrage about his death, and – as I have communicated directly to Agent Terry’s family – we are dedicated to pursuing justice on his behalf.

The Department is also working to answer questions that the Terry family has raised, including whether and how firearms connected to Fast and Furious could end up with Mexican drug cartels. In her independent review, I expect the Department’s Acting Inspector General to answer these questions.

I understand that Congress also wants answers. Justice Department employees have been working tirelessly to identify, locate, and provide relevant information to this Committee and the two other committees investigating Fast & Furious – all while preserving the integrity of ongoing criminal investigations and prosecutions.

The Department has been fully cooperative and responsive in its dealings with Congress. I have answered questions in the House and Senate on four occasions concerning this matter. To date, we have provided almost 5,000 pages of documents for congressional investigators to review. We have scheduled numerous witness interviews and testified at public hearings. And just last week, we provided unprecedented access to internal deliberative documents to explain how inaccurate information was initially conveyed to Congress. These documents demonstrate that Department personnel relied on information provided by supervisors from the components in the best position to know the relevant facts. We now know that some information provided by those supervisors was inaccurate. I understand that, in subsequent interviews with congressional investigators, these supervisors have stated that they did not know – at the time – that information included in the letter was inaccurate.

The documents produced to date also belie the remarkable notion that this operation was conceived by Department leaders, as some have claimed. It is my understanding that Department leaders were not informed about the inappropriate tactics employed in this operation until those tactics were made public and, as is customary, turned to those with supervisory responsibility over the operation in an effort to learn the facts.

But what's clear is that disrupting the dangerous flow of firearms along the Southwest Border, and putting an end to the violence that has claimed far too many lives, is – and will continue to be – a top priority for the Justice Department.

This year alone, we have led successful investigations into the murders of U.S. citizens in Mexico, created new cartel-targeting prosecutorial units, and secured the extradition of more than 100 defendants wanted by U.S. law enforcement – including the former head of the Tijuana Cartel. We've also built crime-fighting capacity on both sides of the border by developing new procedures for using evidence gathered in Mexico to prosecute gun traffickers in U.S. courts; by training thousands of Mexican prosecutors and investigators; by successfully fighting to enhance sentencing guidelines for convicted traffickers and straw purchasers; and by pursuing coordinated, multi-district investigations of gun-trafficking rings.

Despite this progress, we have more to do. And each of us has a duty to act, and to rise above partisan divisions and politically motivated “gotcha” games. The American people deserve better. It is time for a new dialogue about these important issues – one that is respectful, responsible, and factual.

This will require us to apply the lessons we've learned from law enforcement officers, like the ones who sit behind me today, who protect public safety and our national security every day. In that regard, not only did ATF agents bring the inappropriate and misguided tactics of Operation Fast and Furious to light, they also sounded the alarm for more effective laws to combat gun trafficking.

ATF agents who testified before the House Committee on Oversight and Government Reform this summer explained that the agency's ability to stem the flow of guns from the United States into Mexico suffers from a lack of effective enforcement tools. For example, earlier this year, the majority of House Members voted to keep law enforcement in the dark when individuals purchase multiple semi-automatic rifles and shotguns, long guns like AK 47's, in Southwest border gun shops in four states.

Going forward, I hope that we can work together to provide law enforcement agents with the tools they desperately need to protect the country and ensure their own safety. For their sake, we cannot afford to allow the tragic mistakes of Operation Fast and Furious to become a political sideshow or a series of media opportunities. Instead, we must move forward and recommit ourselves to our shared public safety obligations.

I am willing to work with you in this effort. I would be pleased to answer your questions.