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October 28, 2011

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As I have stated repeatedly, I believe Operation Fast and Furious was a terrible mistake with tragic consequences. As I have also stated, I support a fair and responsible investigation that follows the facts where they lead, rather than drawing conclusions before evidence is gathered or ignoring information that does not fit into a preconceived narrative.

On several occasions over the past month, you have called on Attorney General Eric Holder to appear before the House Judiciary Committee to answer questions about when he first became aware of the controversial tactics used in Operation Fast and Furious.¹ The Attorney General has now agreed to testify before the House Judiciary Committee on December 8, 2011, when you will have another opportunity to question him directly.

With respect to our own Committee's investigation, I do not believe it will be viewed as legitimate or credible—and I do not believe the public record will be complete—without public testimony from Kenneth Melson, who served as the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

A hearing with Mr. Melson would help the Committee and the American people better understand what mistakes were made in Operation Fast and Furious, how these tactics originated, who did and did not authorize them, and what steps are being taken to ensure that they are not used again.

¹ See, e.g., *Face the Nation*, CBS News (Oct. 16, 2011) (online at www.cbsnews.com/8301-3460_162-20121072/face-the-nation-transcript-october-23-2011/); *Fox News Sunday*, Fox News (Oct. 9, 2011) (online at www.foxnews.com/on-air/fox-news-sunday/2011/10/09/darrell-issa-talks-fast-and-furious-fallout-rick-santorum-challenging-gop-presidential-fr).

The Honorable Darrell E. Issa

Page 2

Our staffs have already conducted transcribed interviews with Mr. Melson and the former Deputy Director of ATF, William Hoover. During those interviews, these officials expressed serious concerns about the controversial tactics employed by the Phoenix Field Division of ATF as part of this operation. They also raised concerns about the manner in which the Department of Justice responded to congressional inquiries.

Both officials also stated that they had not been aware of the controversial tactics being used in Operation Fast and Furious, had not authorized those tactics, and had not informed anyone at the Department of Justice headquarters about them. They stated that Operation Fast and Furious originated within the Phoenix Field Division, and that ATF headquarters failed to properly supervise it.

Since the Attorney General has now agreed to appear before Congress in December, I believe Members also deserve an opportunity to question Mr. Melson directly, especially since he headed the agency responsible for Operation Fast and Furious. My staff has been in touch with Mr. Melson's attorney, who reports that Mr. Melson would be pleased to cooperate with the Committee.

Thank you for your consideration of this request.

Sincerely,


Elijah E. Cummings
Ranking Member