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Opening Statement

Ranking Member Elijah E. Cummings

“Fast and Furious: The Other Side of the Border”

July 26, 2011

Thank you, Mr. Chairman. We have an important responsibility in this Committee to thoroughly investigate allegations of waste, fraud, and abuse, to follow the evidence where it leads, and to base our conclusions on the evidence before us.

The Committee has now been investigating allegations relating to Operation Fast and Furious for five months. Committee staff have conducted 16 transcribed interviews of ATF managers and field agents in Phoenix, Washington, and Mexico. During these interviews, officials at various levels have acknowledged mistakes in the planning, execution, and oversight of this operation.

Although key questions remain, I would like to make four points.

First, the head of ATF, Acting Director Ken Melson, stated during his transcribed interview on July 4 that he did not become aware of any allegations about so-called “gun-walking” until they were reported publicly. He said this:

“That issue had never been raised. It had never been raised to our level by the whistleblowers in Phoenix that stayed in-house down there.”

Second, the officials interviewed by the Committee did not support the allegation that the controversial tactics allegedly employed in this operation, such as suspending surveillance or failing to interdict weapons, were part of a “top-down” strategy devised by senior ATF management or the Justice Department.

Acting Director Melson said that no Justice Department officials ever told him or anyone at ATF that these tactics were part of a new strategy to “let the guns go.” He stated that “we never discussed those types of tactical strategies.”

William Hoover, the Acting Deputy Director of ATF, is the principal liaison between ATF and the Deputy Attorney General’s office. He also rejected this allegation. When asked whether these tactics were part of a “top-down” policy, he responded:

“No, sir. It’s my firm belief that the strategic and tactical decisions made in this investigation were born and raised with the U.S. Attorney’s Office and with ATF and the OCDETF strike force in Phoenix.”

He added:

“There’s been reports that the Deputy Attorney General’s office was aware of the techniques being employed in Fast and Furious, and that’s not the case, because I certainly didn’t brief them on the techniques being employed.”

Third, although these tactics may not have originated at the headquarters of ATF or the Justice Department, the evidence before the Committee indicates that, after receiving briefings in March 2010, Deputy Director Hoover and other senior ATF officials became seriously concerned about the number of weapons being trafficked by these suspects.

As a result, Deputy Director Hoover ordered an “exit strategy” to close the case and seek indictments within 90 days. Although this exit strategy was developed, there were no indictments until this past January. One question I hope to explore today is why it took nearly ten months—from March 2010 to January 2011—to close this operation and bring indictments.

Finally, nearly all of the officials interviewed by the Committee strongly supported additional law enforcement tools to combat the flood of high-powered military-grade assault weapons from the United States into Mexico. Mexico is our neighbor, ally, and friend. Yet U.S. weapons are arming the world’s most violent and powerful international drug cartels, costing the lives of 40,000 Mexicans in the last five years alone.

While I will continue to work with Chairman Issa to investigate the facts of Operation Fast and Furious, we must also examine opportunities for reform.

Thank you.

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