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# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
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### Opening Statement

#### Rep. Elijah E. Cummings, Ranking Member

#### Hearing on "Operation Fast and Furious: Reckless Decisions, Tragic Outcomes"

June 15, 2011

Thank you, Mr. Chairman. I would like to start by saying a few words directly to the members of the Terry family who are here today. Over the past week, my family suffered a tragedy that, in some ways, is similar to yours. Nobody can really know how that feels until they go through it themselves.

On one hand, you want the criminals who did this to be brought to justice. You want them punished for what they did, for who they took from you. On the other hand, that's after-the-fact. It won't bring them back. So you also want answers. You want to know whether something could have been done to prevent their death. And you want to prevent it from happening to anyone else in the future.

I want to tell you that I know how you feel. And I want to help as much as I can. Of course, we want the prosecutors to succeed in bringing the perpetrators to justice. You also deserve direct and straightforward answers from your government. Working together, we can and must achieve both of these goals. And so I thank you for being here today.

Now, let me welcome Senator Grassley. Your reputation as a defender of good government transcends party lines. I have always been impressed by your determination, and I welcome you here today.

Let me also welcome the ATF agents who are here to provide their testimony. It is not easy to testify before Congress under normal circumstances, but it is even more difficult when you are testifying about allegations involving your own agency. Nevertheless, I know you are all here because you want to improve this process.

Finally, let me welcome Mr. Weich from the Justice Department. This will not be an easy hearing for you either. But I know you too are here because you want to improve this process. We look forward to talking with you about ways we can meet both the Department's obligations for the prosecution and the Committee's obligations for oversight.

We thank each and every one of you for your service to the country. We will have tough questions today, but you all deserve our courtesy and respect.

On the substance of today's hearing, the allegations that have been made are very troubling, and new information we have obtained raises additional concerns about the role of various actors involved in these incidents. Based on the interviews conducted by the Committee so far, and the documents we have reviewed to date, I have two concerns I would like to explore.

First, we will hear testimony that surveillance of suspected straw purchasers was discontinued repeatedly, seemingly for no reason, so agents could return to gun stores to start over with new suspects. The Phoenix group handling this investigation was tiny, with only three to seven ATF agents. Although other offices and agencies were involved, the allegation is that these scarce resources were not used appropriately.

Second, we will hear testimony that specific individuals in the U.S. Attorney's office in Phoenix refused to prosecute legitimate and promising gun cases involving straw purchasers. It is not clear whether this reluctance was based on negative court decisions, inadequate resources, or other issues. But one thing is clear: the allegations relating to this particular office span several years and several Administrations.

I want to make two additional points about today's hearing. This weekend, Chairman Issa stated on national television that this Committee's investigation and these hearings are not about finding the facts. He said this: "This is not a discovery process of what happened. We know what happened." With all due respect, I strongly disagree. We do not know all the facts. We still have much to learn in this ongoing investigation, and we should not rush to judgment.

Finally, no legitimate examination of this issue will be complete without analyzing our nation's gun laws, which allow tens of thousands of assault weapons to flood into Mexico from the United States every year, including fifty caliber sniper rifles, multiple AK variants, and scores of others. When Mexican President Calderon addressed Congress in May, he pleaded for us to stop fueling a full-scale drug war with military grade assault weapons.

In order to explore these issues further, today I am exercising my right under the Rules of the House for a minority day of hearings with several witnesses who will testify about these issues in detail. I did not think it was necessary to call these witnesses for today's hearing, but I will work with Chairman Issa on scheduling this hearing in the near future.

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Contact: Ashley Etienne, Communications Director, (202) 226-5181