

**TESTIMONY OF SPECIAL AGENT JOHN DODSON BEFORE THE HOUSE COMMITTEE
ON OVERSIGHT & GOVERNMENT REFORM**

June 15, 2011

Mr. Chairman, Ranking Member Cummings, honorable members of this Committee. I am grateful you have called this hearing today, and I hope that my testimony will assist in your investigation. Beginning with my military service and continuing through this day, I am proud to have spent nearly my entire adult life in service of this Country, under sworn oath to defend the Constitution, with my allegiance always pledged to this Republic. I have patrolled highways and back country roads as a uniformed patrol officer while working local law enforcement in Virginia. I was a detective and then attached to a Drug Enforcement Administration Task Force just outside the beltway surrounding this city, and I am before you now, as a Special Agent with the Bureau of Alcohol, Tobacco and Firearms.

I have spent the vast majority of my law enforcement career conducting criminal investigations, with a particular focus on those involving the trafficking of narcotics and firearms. I have been involved in countless investigations and arrests, from basic misdemeanors to complex conspiracies of international drug trafficking organizations, many times as a case agent, many times as an undercover. I have made thousands of investigative stops and scores of arrests, and have testified many times in federal and state courts across the country, as a witness and often as a qualified expert.

Although it has neither been my desire nor my expectation to provide testimony to a committee such as this, I see it as merely the well and faithful discharge of my duties. I do not appear before you as a remote observer of these events, casting a judgmental finger over the actions of others. I come, as I have been asked to do, bearing only my first-hand account. I have not the burdens of rendering judgment, determining responsibility, or holding others accountable. I yield those to this committee. The only message I hope to convey is that through this process, some resolve may finally be brought to the families of Brian Terry and Jaime Zapata; that we may truly honor their service and mourn their sacrifice. I hope that your inquiry, and those of Senator Grassley and the Inspector General, will yield a true account for the many others who have already been or will be affected by this operation. Furthermore, I am grateful to have this opportunity to appear today with the Terry family so that I may personally express my sorrow and regret about my involvement in this.

Simply put, during this operation known as Fast and Furious, we, ATF, failed to fulfill one of our most fundamental obligations, to caretake the public trust; in part, to keep guns out of the hands of criminals. When I became involved in this operation in late 2009, the ATF agents running it briefed me that local Phoenix firearms dealers had provided them with more than 40 individuals whom they believed to be purchasing guns for others—"straw purchasers"—including members of Mexican drug cartels. These identified straw purchasers were the initial subjects of this investigation. From the earliest days of the operation after being fully briefed on what was known to date, I had no question that the individuals we were watching were acting as straw purchasers and that the weapons they purchased would soon be trafficked to Mexico and locales all along the Southwest border, where they would be used in violent crime if we did not intervene. However, we did not intervene.

Over the course of the next 10 months that I was involved in this operation, we monitored as they purchased hand guns, AK-47 variants, and .50 caliber rifles almost daily. Rather than conduct any enforcement actions, we took notes, we recorded observations, we tracked movements of these individuals for a short time after their purchases, but nothing more. Knowing all the while, just days after these purchases, the guns that we saw these individuals buy would begin turning up at crime scenes in the United States and Mexico, we still did nothing. I can recall, for example, watching one suspect receive a bag filled with cash from a third party then proceed to a gun dealer and purchase weapons with that cash and deliver them to this same unknown third party. Although my instincts made me want to intervene and interdict these weapons, my supervisors directed me and my colleagues not to make any stop or arrest, but rather, to keep the straw purchaser under surveillance while allowing the guns to walk. Surveillance operations like this were the rule, not the exception. This was not a matter of some weapons getting away from us, or allowing a few to walk so as to follow them to a much larger or more significant target. Allowing loads of weapons that we knew to be destined for criminals—this was the plan. It was so mandated.

I have never heard an explanation from anyone involved in Operation Fast and Furious that I believe would justify what we did. The ATF is supposed to be a guardian of our citizens. To paraphrase the analogy of Army LTC Dave Grossman, ATF is supposed to be the sheepdog that protects against the wolves that prey upon our southern border. But rather than meet the wolf head-on, we sharpened its teeth and added number to its claws, all the while we sat idly by watching, tracking, and noting as it became a more efficient killer.

Prior to my coming to the Phoenix Field Division, I had never been involved in or even heard of an operation in which law enforcement officers let guns walk. The very idea of letting guns walk is unthinkable to most law enforcement. I and other field agents involved in the operation repeatedly raised these concerns with our supervisors. In response, we were told that we simply did not understand the plan. However, the numerous guns we let walk have yet to be recovered. Those that have been, were only recovered after the last time they were used in a crime. I cannot begin to think of how the risk of letting guns fall into the hands of known criminals could possibly advance any legitimate law enforcement interest. I hope the Committee will receive a better explanation than I ever did.

Thank you again for the opportunity to appear before you today. I look forward to answering any questions you may have.