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Opening Statement

Rep. Elijah E. Cummings, Ranking Member

Hearing on “Fast and Furious: Management Failures at the Department of Justice”

February 2, 2012

Mr. Chairman, when the Committee started this investigation almost a year ago, you and I made pledges to the family of Agent Brian Terry to find out what led to the release of hundreds of firearms to criminal networks on both sides of the border. We pledged to follow the facts wherever they may lead and provide the public with answers.

Mr. Chairman, I want to acknowledge your efforts here. Over the past year, we devoted incredible amounts of time, money, and energy to investigating this issue. We interviewed 22 witnesses, including senior officials at the Department of Justice and ATF. We also reviewed thousands of pages of documents, and we held four full Committee hearings on this topic.

Because of our extensive work, we have had concrete results. The Committee has exposed a five-year pattern of gunwalking operations run by the Phoenix Division of ATF and the Arizona U.S. Attorney’s Office. More importantly, we have put a stop to it. This is a significant accomplishment, and I commend you for it.

In addition, we can now explain to the public how this series of reckless operations originated and evolved over the past five years. I ask unanimous consent to place into the record a report I sent to Members earlier this week.

This 95-page report, called *Fatally Flawed: Five Years of Gunwalking in Arizona*, provides a detailed and comprehensive account of what we learned in our investigation.

It documents how suspects in 2006 and 2007 trafficked more than 450 firearms during Operation Wide Receiver as ATF agents who knew they had probable cause chose not to make arrests in order to build bigger cases. As one field agent said at the time, “We want it all.”

It documents the Hernandez case in 2007, in which suspects purchased 200 firearms as ATF failed repeatedly to coordinate interdiction with Mexican officials. Despite alerting then-Attorney General Mukasey about these failed operations, they continued.

It documents the Medrano case in 2008, in which ATF agents watched in real time as suspects, who were part of a trafficking ring that bought more than 100 firearms, packed weapons into the backseat of a car and drove them across the border.

And it documents Operation Fast and Furious, during which the same ATF Special Agent in Charge of the Phoenix Field Division in all three previous operations chafed against an order from the Deputy Director of ATF to shut down the operation. As the agent stated, "I don't like HQ driving our cases." Instead, field agents continued to encourage gun dealers to sell firearms to suspects for months.

There are several things that our investigation did not find. We found no evidence that agents or prosecutors in Arizona acted in bad faith. They sincerely wanted to put away gun traffickers and higher level targets. In pursuit of that goal, however, they lost sight of the predictable collateral damage of letting guns walk.

In addition, contrary to many unsubstantiated allegations, the Committee obtained no evidence indicating that the Attorney General authorized gunwalking. None of the 22 witnesses we interviewed claimed to have spoken with the Attorney General about the tactics used in Operation Fast and Furious before this controversy broke.

Mr. Chairman, although you deserve credit for exposing these operations over the last five years, we part ways in what we should do next. You now appear intent on escalating controversy and promoting unsubstantiated allegations in a campaign that looks more like an election-year witch hunt than an even-handed investigation.

This is the sixth time the Attorney General has testified on these issues.

In contrast, you have never once called the former head of ATF to testify at a public hearing, even though ATF was the agency responsible for these reckless programs. And although Attorney General Holder has answered questions repeatedly, you have refused to even interview former Attorney General Mukasey.

When I was just starting out in my law practice, a veteran attorney gave me some advice. He said, "you have to take the facts as you find them." Now that we have the facts, I hope we can put aside the politics and the rhetoric and focus on concrete reforms to ensure that this never happens again.

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