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February 2, 2012

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

Dear Mr. Chairman:

Given your statements at today's hearing, I am writing to formally reiterate my previous request for the Committee to hold a public hearing with former Attorney General Michael Mukasey.

On November 4, 2011, I wrote to you requesting a public hearing with Mr. Mukasey in order to assist the Committee's efforts in understanding the inception and development of so-called "gunwalking" operations over the past five years in Arizona.

As I described in the letter, the Committee has now obtained a briefing paper prepared for Mr. Mukasey prior to a meeting with Mexican Attorney General Medina Mora. The briefing paper describes efforts in 2007 by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to coordinate interdiction efforts with Mexico after firearms crossed the border. The briefing paper warns, however, that "the first attempts at this controlled delivery have not been successful." Despite these failures, the briefing paper proposes expanding such operations in the future. It states:

ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a single smuggler.

Since I sent the letter to you in November, the Committee has not held a public hearing with Mr. Mukasey.

In addition to these documents, I issued a report this week documenting that Operation Fast and Furious was actually the fourth in a series of reckless operations run by the Phoenix Field Division of ATF and the Arizona U.S. Attorney's Office dating back to 2006 involving hundreds of weapons across two administrations.

At today's hearing, several Members of the Committee acknowledged that the documents obtained by the Committee do not indicate that Mr. Mukasey approved gunwalking, just as they do not indicate that Attorney General Holder approved gunwalking. Nevertheless, these Members expressed their belief that Mr. Mukasey's public testimony is necessary if the Committee intends to conduct a thorough and evenhanded investigation of this five-year history of gunwalking in Arizona.

During an exchange with Committee Member Gerry Connolly at today's hearing, you stated that you were open to all requests for hearings relating to this investigation. Attorney General Holder has now testified publicly six times about these issues. It is only appropriate for the Committee and the public to hear testimony from Mr. Mukasey at least once.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member