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2157 RAYBURN HOUSE OFFICE BUILDING

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MAJORITY (202) 225-5074
FACSIMILE (202) 225-3974
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Opening Statement Rep. Elijah E. Cummings, Ranking Member

Hearing on "IG Report: The Department of Justice's Office of Inspector General Examines the Failures of Operation Fast and Furious"

September 20, 2012

Thank you Mr. Chairman. Let me welcome our witness, Mr. Horowitz. His office has worked for more than a year and a half on this investigation. They reviewed more than 100,000 pages of documents and interviewed 130 witnesses in compiling this comprehensive report. They did it under the microscope of a highly politicized environment in which public accusations were sometimes made before the search for evidence began. It was a difficult task, but he and his office did an admirable job.

In my opinion, one of the most important things we can do here today is recognize the service of Border Patrol Agent Brian Terry, who gave his life for his country. Although it cannot truly offer any solace to his family, I hope this report provides at least some of the answers they have been searching for since Agent Terry's murder.

Let me next commend Chairman Issa. We have had many disagreements about how this investigation should proceed, but the fact is that the Committee uncovered a severe problem that was festering since 2006 in the Phoenix office of ATF and the U.S. Attorney's Office in Arizona that allowed criminals in Mexico and the United States to obtain hundreds of guns. This Committee played an important role in exposing and halting these flawed operations.

I also want to commend the Attorney General. I have lost count of how many times he has testified on this issue, but he has remained even-handed, respectful, and always true to the daunting and critical mission of the Department he leads. He requested this IG investigation, and he has already put numerous reforms in place.

To that end, I note that the Administration did not assert executive privilege over any part of the Inspector General's report, or over any of the documents relied on by the Inspector General. In fact, the Department went a step further. Yesterday, it sent to this Committee more than 300 pages of additional documents that were withheld previously.

I think this is a positive development. I have always believed—and I continue to believe—that the Committee and the Department can resolve any lingering issues without further conflict. With this action by the Department, I urge the Committee to reconsider its position and settle the remnants of this dispute without resorting to unnecessary and costly litigation that nobody in this country wants.

With that, let me turn to the report in order to highlight several key points and raise some specific questions.

There can no longer be any doubt that gunwalking began under the Bush Administration. The IG report goes into great detail about Operation Wide Receiver, and it finds that ATF agents simply let guns walk. It also finds that wiretap affidavits in Operation Wide Receiver contained just as much detail as those in Fast and Furious.

The IG report concludes: “these tactics were used by ATF more than three years before Operation Fast and Furious was initiated.”

There can also no longer be any doubt that gunwalking was never authorized or approved of by the Attorney General or senior Department officials, especially as some sort of top-down scheme or conspiracy against the Second Amendment.

The IG report found that gunwalking “was primarily the result of tactical and strategic decisions by the agents and prosecutors.” As the IG says in his written testimony for today’s hearing, ATF and the U.S. Attorney’s Office in Arizona “share equal responsibility for the strategic and operational failures in Operations Wide Receiver and Fast and Furious.”

With these points in mind, I have two broad questions I hope the Inspector General will address.

First, how could this tactic have been used for so long—over the course of five years and two administrations—without the ATF field office in Phoenix or the U.S. Attorney’s Office in Arizona stepping in to halt it? What allowed it to go on for so long unchecked?

Second, what should we do now to ensure that this never happens again? I know the IG has made his recommendations, and I have also made my own. Which of these recommendations have ATF and the Department already implemented? Which should be prioritized? And which may require legislation?

Mr. Horowitz, thank you again for your office’s work on this investigation, and I look forward to your testimony.

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