

Facts are Stubborn Things: Setting the Record Straight on the Justice Department Oversight Hearing

Written by Sen Chuck Grassley
Tuesday, 15 November 2011 13:46

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Senate Judiciary Committee Oversight Hearing with Attorney General Eric Holder, Nov. 8, 2011

- Senator Grassley: “Who will be held accountable for allowing a letter to Congress with a statement that many people in the Justice Department knew was false?”

Attorney General Holder: “Well again I – I have to dispute, with due respect, the assertion that people in the Justice Department knew it was false.”

- Attorney General Holder to Senator Cornyn: “February the 4th, the information that was contained in that letter was thought to be accurate. It wasn’t until sometime after that that we had a sense that the information was not, in fact, accurate. So it wasn’t as if the date upon which we knew the information was inaccurate was on February the 4th.”

- Senator Lee: “And – and you’ve reiterated several times that people within the Department of Justice believed that the initial statements denying knowledge of Fast and Furious were accurate. They believed they were accurate. Obviously these were some people and not all people, right? Because clearly some people knew.

Attorney General Holder: “Exactly.”

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FACT

On November 1, 2011, Assistant Attorney General Lanny Breuer admitted in testimony before the Senate Judiciary Subcommittee on Crime and Terrorism that he knew the statement in the February 4th letter to Senator Grassley was absolutely false. Mr. Breuer had admitted in a statement issued the day before, on October 31, 2011, that gunwalking in a case known as Operation Wide Receiver was brought to his attention in April 2010. Documents produced by the Justice Department show that in addition to Mr. Breuer, his Deputy Assistant Attorney General Jason Weinstein, leadership within the Gang Unit of the department's Criminal Division, and various Gang Unit prosecutors were also aware that guns had been walked in Operation Wide Receiver. Thus, many senior officials at Justice Department headquarters clearly knew that it was false to assert that "ATF makes every effort to interdict weapons that have been purchased illegally" — because they at least knew that ATF had walked guns in Wide Receiver. Correspondence that has been produced in response to Freedom of Information Act requests makes clear that the Criminal Division reviewed the February 4 letter multiple times before it was sent to Senator Grassley.

Further, as a follow-up to the letter, Deputy Assistant Attorney General Weinstein conducted a widely-attended briefing on February 10, 2011 for staff of Senate Judiciary Committee members. In that briefing, Mr. Weinstein did not disclose the gunwalking to staff, and clearly left the impression that they stood by the Justice Department's Feb. 4 denial of the whistleblowers allegations, even though he was the same individual who brought gunwalking to Mr. Breuer's attention nine months earlier in April 2010.