

Written by Sen Chuck Grassley

Tuesday, 06 December 2011 13:01

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Senate Judiciary Committee Oversight Hearings with Secretary Janet Napolitano, October 19, 2011, and Attorney General Eric Holder, November 8, 2011

Knowledge of Connection Between Agent Terry's Death and Fast and Furious

- Senator Grassley: "Have you had any communications with Mr. Burke about Operation Fast and Furious?"

Secretary Napolitano: "When Agent Terry was killed, it was December 14th, I went to Arizona a few days thereafter to meet with the FBI agents and the assistant U.S. attorneys who were actually going to look for the shooters. At that time, nobody had done the forensics on the guns and Fast and Furious was not mentioned. But I wanted to be sure that those responsible for his death were brought to justice, and that every DOJ resource was being brought to bear on that topic. So I did have conversations in – it would have December of '09 – about the murder of Agent Terry. But at that point in time, there – nobody knew about Fast and Furious."

- Senator Grassley: "When we met that day [on January 31, 2011], did you know that the guns connected to an ATF operation had been found at the Terry murder scene?"

Attorney General Holder: "I did not."

- Senator Grassley: "Documents produced by the department suggest that your deputy chief of staff spoke with U.S. Attorney Dennis Burke about Fast and Furious, shortly after Agent Terry's death. Did Mr. Wilkinson say anything to you about the connection between Agent

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Terry's death and the ATF operation?"

Attorney General Holder: "No, he did not. The conversations that they had were about a variety of things. I've looked at the emails. Now the possibility of me coming out to at some point talk about being engaged in a press conference, other matters, but there was no discussion between them of the tactics that are of concern with regard to Fast and Furious and as a result of that, Mr. Wilkinson did not share information with me about his contacts with former U.S. Attorney, Burke."

FACT

The Attorney General's Deputy Chief of Staff Monty Wilkinson sent an email to U.S. Attorney Dennis Burke at 11:18 am on December 14, 2010, the day before Border Patrol Agent Brian Terry's death. The email had only a subject line: "You available for a call today?" On December 15 at 2:14 am, Burke responded: "Sorry for going dark on you. I was at Navajo and Hopi all day and coverage was weak at best. I did get your vm. We have a major gun trafficking case connected to Mexico we are taking down in January. 20+ defendants. Will call today to explain in detail." Documents show that notice of Agent Terry's death was emailed to Burke an hour later, at 3:31 am.

According to emails produced by the Justice Department, Nathan Gray, Special Agent in Charge of the FBI's Phoenix Field Division, was at the press conference held that day to announce the death of Agent Terry, and was telling individuals there about the connection to Operation Fast and Furious. Thus, by the time Secretary Napolitano visited Arizona a few days later, the FBI and the U.S. Attorney's Office were clearly aware of the connection.

The emails that have been produced by the Justice Department so far are insufficient to draw any conclusions about what Wilkinson and Burke may have discussed over the phone on December 15. Whether any follow-up conversation between them included the fact that Fast and Furious guns were found at the scene will remain unknown until Burke completes his testimony, which was interrupted on an earlier date, and Wilkinson testifies for the first time. Unfortunately, the Justice Department has to this point refused to make other witnesses with first-hand knowledge available for transcribed interviews.

Facts are STUBBORN Things, Knowledge of the Connection between Agent Terry's Death and Fast and Furious

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It is clear, however, that multiple officials from multiple agencies knew almost immediately of the connection between Fast and Furious and Agent Terry's death, including Deputy Attorney General Gary Grindler. The Department of Justice and the Department of Homeland Security have failed to adequately explain why Attorney General Holder and Secretary Napolitano allegedly remained ignorant of that connection.

[Documents supporting the FACTS](#) .