

US Attorney General Holder faces contempt of Congress vote

David Brown
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On June 20, the House Oversight and Government Reform Committee will vote on whether to hold US Attorney General Eric Holder in contempt of Congress.

According to the committee chairman, Republican Darrell Issa, the Department of Justice (DoJ) has withheld thousands of documents requested in a subpoena the committee issued in October 2011 relating to Operation Fast and Furious. This Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) operation resulted in over 1,400 firearms being smuggled to Mexican drug cartels.

Contempt is a relatively rare proceeding in Congress that last led to a citation in 1984 of an Environmental Protection Agency official, Rita Lavelle. If the Oversight Committee considers Holder to be in contempt, it will then be put to a vote of the House. If the measure passes, the US attorney for the District of Columbia will be instructed to investigate the matter as a criminal offense.

The ATF operation in question involved the practice known as “gunwalking.” As part of Operation Fast and Furious, ATF agents were instructed to observe rather than interdict gun traffickers purchasing assault weapons in the US and smuggling them into Mexico, primarily for the Sinaloa Cartel. Ostensibly, the purpose of letting the guns “walk” was to allow the ATF to follow them as they were handed off to higher level figures in the drug cartel in Mexico.

The operation erupted into public controversy after several agents blew the whistle on the practice in January 2011.

According to the Oversight Committee’s statement, they are looking for documents showing who in the DoJ authorized the operation and why the department made misleading statements to Congress.

On February 4, 2011, a letter from the DoJ to

Congress falsely claimed that the ATF had not “knowingly allowed the sale of assault weapons to a straw purchaser who then transported them to Mexico.” By last December, however, the DoJ had reversed itself, admitting to gunwalking and calling the operation “fatally flawed.”

The DoJ’s shifting explanations about Operation Fast and Furious are not credible and point to the deep-seated criminality of the US “war on drugs.” This applies both to the Obama administration and to previous administrations run by the Republican Party, which has a majority on the House Oversight Committee. The Bush administration oversaw a similar operation, Operation Wide Receiver, which allowed nearly 450 guns across the US-Mexico border.

The Republican right and the National Rifle Association have conveniently ignored this precedent, while trying to cast Fast and Furious as part of a conspiracy by the Obama administration to impose tighter gun control laws in the US by involving American guns in Mexican bloodletting.

The latest operation adopting the tactic of gunwalking began as a local investigation by the Phoenix ATF field division in the fall of 2009 targeting gun smuggler Manuel Celis-Acosta. In January 2010, it was expanded and brought under DoJ control as a strike force—with agents from the ATF, FBI, the Drug Enforcement Administration, and Immigration and Customs Enforcement, all under the control of the US Attorney’s Office in Arizona.

From early on, guns the US government allowed to walk showed up at crime scenes on both sides of the border. By October 2010, they had already been used by a cartel hit squad that kidnapped, tortured and murdered the brother of the attorney general of Mexico’s Chihuahua province. The program continued

despite a lack of new leads and the repeated use of the guns in violent crimes. In December of 2010, guns purchased under the operation over a year prior were used to kill US Border Patrol agent Brian Terry.

As various agents tried to blow the whistle on links between Terry's death and Fast and Furious, the US attorney in Arizona, Dennis Burke, drew the operation to a close on January 25, 2011, announcing the indictment of 20 gun traffickers. The centerpiece of the investigation was the smuggling syndicate run by Celis-Acosta, who worked for the Sinaloa Cartel, a leading Mexican drug cartel.

Though presented as a success, the indictments were nothing of the sort. Besides Celis-Acosta, whose involvement was known from the beginning, the other indictments were of street-level straw-buyers, who would have been caught had the guns been intercepted instead of being let into Mexico.

Moreover, Celis-Acosta's only two contacts in the Sinaloa Cartel were provided to the ATF in December of 2009 by the DEA, and were actually made FBI informants nearly a year before Celis-Acosta's arrest. There was no new information that Celis-Acosta could have given the government.

As of October last year, of the 2,020 firearms observed under Fast and Furious, only 655 have been recovered. They have been found at over 170 crime scenes in Mexico, with confirmed connections between the guns and hundreds of deaths and injuries from violent crime.

Since admitting that gunwalking occurred, the Obama administration has maintained that the problem was merely local and tactical, and that high-level officials in the Justice Department were unaware of the methods being used.

Many facts cast suspicion on the official line. First, the methods used in the operation, like wiretaps, legally required senior officials to review operational details. Second, as detailed in the Oversight Committee's report, the deputy attorney general was thoroughly briefed on the operation by the ATF in March 2010, by which point Fast and Furious had already recorded 1,026 weapons bought by cartel straw-buyers.

Most importantly, Operation Fast and Furious was, as designed, incapable of actually tracing the guns after they entered Mexico.

The operation was not coordinated with either the

Mexican government, or, as late as July 2010, the ATF office in Mexico. According to the testimony before the Oversight Committee by Darren Gil, the then-acting ATF attaché in Mexico, his request from supervisors for information regarding the guns coming into Mexico went unanswered. According to Gil, "They were afraid that I was going to either brief the ambassador or brief the government of Mexico officials on it."

The Mexican government first learned about Fast and Furious from US news reports, when the story broke at the beginning of 2011.

The main recipient of arms from Fast and Furious, the Sinaloa Cartel, is the largest and most powerful of the Mexican drug cartels. At the time of the operation, it was engaged in a bloody war with the Tijuana Cartel over the border smuggling routes into San Diego, raising questions over whether Fast and Furious was part of an intervention by sections of the US government to favor the Sinaloa Cartel over its rivals.

The Sinaloa Cartel had developed close ties to the US financial system, which depended on drug cartel funds to avoid bankruptcy during the repeated cash crunches caused by the world financial crisis.

In March of 2010, Wachovia, now owned by Wells Fargo, admitted to laundering \$378.4 billion for the Sinaloa Cartel; the federal government settled the case without any criminal prosecutions in exchange for a \$160 million fine.

According to the former head of the UN Office on Drugs and Crime, Antonio Maria Costa, during the height of the economic crisis in 2008, numerous banks relied on drug money to resolve their liquidity problems. He told the *Observer* in December 2009, "Inter-bank loans were funded by money that originated from the drugs trade and other illegal activities."



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