

OPINION

'Fast And Furious' Just Might Be President Obama's Watergate

Capital Flows Contributor 

Guest commentary curated by Forbes Opinion. Avik Roy, Opinion Editor.

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Why a gunrunning scandal codenamed "Fast and Furious," a program run secretly by the U.S. government that sent thousands of firearms over an international border and directly into the hands of criminals, hasn't been pursued by an army of reporters all trying to be the next Bob Woodward or Carl Bernstein is a story in itself.



Image by AFP/Getty Images via @daylife

But the state of modern journalism aside, this scandal is so inflammatory few realize that official records show the current director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), B. Todd Jones -- yes the individual the Obama administration brought in to replace ATF Director Kenneth Melson Aug. 30 in an effort to deflect congressional criticism -- also has questions to answer about his involvement in this gunrunning scandal.

Fast and Furious was an operation so cloak-and-dagger Mexican authorities weren't even notified that thousands of semi-automatic firearms were being

sold to people in Arizona thought to have links to Mexican drug cartels. According to ATF whistleblowers, in 2009 the U.S. government began instructing gun storeowners to break the law by selling firearms to suspected criminals. ATF agents then, again according to testimony by ATF agents turned whistleblowers, were ordered not to intercept the smugglers but rather to let the guns "walk" across the U.S.-Mexican border and into the hands of Mexican drug-trafficking organizations.

When the Gunrunning Program Began

A Jan. 8, 2010 [briefing paper](#) from the ATF [Phoenix](#) Field Division Group VII says: "This investigation has currently identified more than 20 individual connected straw purchasers.... To date (September 2009-present) this group has purchased in excess of 650 firearms (mainly AK-47 variants) for which they have paid cash totaling more than \$350,000."

This is an important fact because the U.S. Justice Department hasn't made it clear to tell congressional investigators when the Fast and Furious operation began and who authorized it; as a result, this ATF briefing paper's mention of September 2009 is thus far the earliest we can trace the operation.

The next important event we know of occurred in October 2009 when the ATF's Phoenix Field Division established a gun-trafficking group called "Group VII." Group VII began using the strategy of allowing suspects to walk away with illegally purchased guns, according to [a report](#) from the U.S. House Oversight and Government Reform Committee and the staff of Sen. Charles Grassley (R-Iowa), ranking member of the U.S. Senate Judiciary Committee. The report says, "The purpose was to wait and watch, in hope that law enforcement could identify other members of a trafficking network and build a large, complex conspiracy case.... Group VII initially began using the new gunwalking tactics in one of its investigations to further the Department's strategy. The case was soon renamed 'Operation Fast and Furious.'"

This report and later official explanations from the ATF say the Fast and Furious program was created to deal with the problem that arresting low-level suspects doesn't necessarily help ATF agents get to the heads of Mexican cartels.

On Oct. 26, 2009, a month or so after Fast and Furious seems to have been initiated, a [document](#) shows that a teleconference was held between 13 officials. One of the issues discussed was the possible "adoption of the Department's strategy for Combating Mexican Drug Cartels." The officials listed to have been in on the call included Kenneth Melson, who was then the director of the ATF, Robert Mueller, the director of the FBI and a number of attorneys with the U.S. Department of Justice. B. Todd Jones, the current director of the ATF, was not listed in the document, but the title he held in September 2009 is listed as being in on the conference call. It doesn't take much reporting to find out that in September 2009 Jones was the chair of the Attorney General's Advisory Committee (AGAC) and so was at least supposed to be in on the conference call. (When asked about the teleconference, an ATF spokeswoman told us "we don't discuss active investigations.")

Of course, we don't know precisely what was discussed in the teleconference, but given that the Fast and Furious program likely began a month or more before the teleconference, and given that it was a new program designed to send firearms over an international border, it would seem odd if Fast and Furious was not discussed and therefore that Jones, at the very least, had heard about the program in October 2009; though, unless further documents come out as to what was said, he certainly has deniability.

Gun Storeowners Become Pawns

For political context we now need to step back to April 16, 2009 -- four or five months before we think Fast and Furious began. On this day President [Barack Obama](#) was visiting Mexico. While there he said, "This war is being waged with guns purchased not here but in the United States ... more than

90% of the guns recovered in Mexico come from the United States, many from gun shops that lay in our shared border."

This 90% statistic was, to be kind, math so shoddy a third grader should know better.

The figure was based only on guns the Mexican government sent to the ATF for tracing. On April 2, 2009, Fox News [reported](#) that, according to statistics from the Mexican government, only about a third of the guns recovered at crime scenes in Mexico are submitted to the ATF. The Mexicans, as it turns out, only send guns to the ATF they think came from the U.S. Also, many guns submitted to the ATF by the Mexicans cannot be traced. As a result, the reporters determined that only 17% of guns found at Mexican crime scenes have been traced by the ATF to the U.S.

Now, because President Obama used the made-up 90% figure to push political positions -- he was using the statistic to argue that the U.S. needs more gun-control laws -- it's difficult not to sniff politics in what happened next.

Later in 2009 the ATF started the Fast and Furious program by allowing firearms to be smuggled from U.S. gun stores into the arsenals of Mexican criminal gangs. As these guns wouldn't be seen again until they resurfaced in crimes (there were no tracking devices installed or other means to trace these guns), the only purpose for letting these guns "walk" seems to be to back up the president's position that guns used in Mexican crimes mostly come from the U.S. (Though the Obama administration insists the gun sales were a part of a new crime-fighting technique.) Also, given the cover up that has ensued since Fast and Furious broke, it doesn't seem like a conspiratorial leap to conclude that politics mixed with policy to create this crazy program. (But again, administration officials insist this wasn't about politics.)

Gun storeowners have a right to think it was about politics.

Sometime around September 2009, ATF agents began pressuring gun storeowners in Arizona to sell firearms to people the ATF thought would sell the guns to Mexican cartels and gangs. As gun-storeowners can't do business without federal licenses, and because the ATF has the authority to shut down a gun store if the establishment's paperwork isn't in order, these requests were likely taken as orders. This put the gun storeowners in a catch-22: the law requires them to report suspicious activity and not to sell to people they think are breaking the law, yet the ATF was telling them to sell to suspicious people who wanted to buy AK-47s by the dozen.

Actually, it's even worse than that: According to court [records obtained by Fox News](#), two of 20 alleged smugglers who were later indicted in the Fast and Furious investigation had felony convictions. As gun-stores must run a person's name through the National Instant Criminal Background Check System (NICS) before selling that person a firearm, this should have stopped these felons from buying even one measly .22 rifle.

Congressional and law-enforcement sources say this situation suggests the FBI, which operates the NICS system, had to have knowingly allowed the purchases to go forward after consulting with the ATF. Given that we know the director of the FBI was in on at least one early meeting on this issue, this seems logical.

One store, Lone Wolf Trading Company in Glendale, Ariz., soon became the smuggler's favorite. Andre Howard, owner of Lone Wolf Trading Company, declined to comment to us about Fast and Furious because he is under a congressional subpoena; however, recordings taped by Howard of him speaking to an ATF agent have been [released](#) by the U.S. Department of Justice. One of the suspects the ATF was watching as he bought guns from Lone Wolf Trading Company was Jaime Avila. He allegedly bought AK-47s at Lone Wolf Trading Company that turned up at a crime scene in which drug smugglers killed a U.S. Border Patrol agent (more on this to come). The other was Uriel Patino. As the ATF watched, he bought hundreds of firearms

from Lone Wolf Trading Company and reportedly sold them to Mexico's brutal Sinoloa drug cartel.

Meanwhile, on March 10, 2010, an [internal e-mail](#) from George T. Gillett Jr., assistant special agent in charge to David Voth, the ATF's Phoenix Group VII supervisor, and others, said that ATF Acting Director Melson and ATF Deputy Director Billy Hoover "are being briefed weekly on this investigation and the recent success with [redacted] so they are both keenly interested in case updates."

This email was released by Chairman Rep. Darrell Issa (R-Calif.) just before a June 15, 2011 investigative hearing of the House Government Reform and Oversight Committee to show that officials in [Washington](#), D.C., knew about this program.

As it turns out, ATF leadership was actually able to follow some of these illegal purchases live on closed-circuit television. In a news release in June 2011, Rep. Issa said as much: "Acting Director Melson was able to sit at his desk in Washington and himself watch a live feed of straw buyers entering the gun stores and purchasing dozens of AK-47 variants."

Given that the director of the ATF, a department that is overseen by the U.S. Justice Department, was watching closed-circuit television of illegal gun sales that officials knew were likely to cross the U.S.-Mexican border, is it even conceivable that Attorney General Eric Holder didn't know about this secret program? And if he didn't, shouldn't he have?

ATF Agents Begin Protesting

ATF field agents soon began to question the sanity of letting guns "walk."

Evidently to quell internal dissension, on March 12, 2010 David Voth, the ATF's Phoenix Group VII supervisor, sent an [e-mail](#) to field agents that said, "Whether you care or not people of rank and authority at HQ are paying close attention to this case and they also believe we (Phoenix Group VII) are

doing what they envisioned the Southwest Border Groups doing." Voth's e-mail went on to say, "It may sound cheesy, but we are 'The Tip of the ATF spear' when it comes to Southwest Border Firearms Trafficking. We need to resolve our issues at this meeting. I will be damned if this case is going to suffer due to petty arguing, rumors or other adolescent behavior. If you don't think this is fun you're in the wrong line of work -- period."

ATF field agents were sending protests up their chain of command, because, as ATF Special Agent John Dodson told the House Government Reform and Oversight Committee on June 15, 2011, he and fellow agents were regularly ordered to abandon surveillance of suspicious gun purchases "knowing all the while that just days after these purchases, the guns that we saw these individuals buy would begin turning up at crime scenes in the [United States](#) and Mexico."

ATF Special Agent Olindo James Casa also said at the June hearing that "on several occasions I personally requested to interdict or seize firearms, but I was always ordered to stand down and not to seize the firearms."

Meanwhile, Mexican drug cartels were evidently finished sighting in their U.S.-bought AK-47's and looking for bigger guns. On April 2, 2010, Voth sent an [email](#) to a government-redacted recipient that said, "Our subjects purchased 359 firearms during the month of March alone, to include numerous Barrett .50 caliber rifles." These .50-caliber rifles are used for sniping by U.S. Special Forces and are a favorite of long-range shooters in America.

So far ATF officials seemed to be blissfully ignorant of how misguided this strategy would turn out to be.

An American Goes Down

Just as ATF agents feared, on Dec. 14, 2010, in the dark of night in a remote canyon in Rio Rico, Ariz., some of the firearms sent over the border to arm

Mexican drug runners were used in a gun battle with the U.S. Border Patrol. During the gunfight, U.S. Border Patrol Agent Brian Terry, 40, was killed by suspected operatives of a Mexican drug-smuggling organization. After a battle that U.S. Border Patrol officers started by shooting bean bags at smugglers armed with AK-47s, police arrested four suspects and recovered three firearms from the scene that have since been traced to Fast and Furious.

Dodson's greatest fear had become reality. He said before the House Government Reform and Oversight Committee: "We knew the next time we'd see the guns would be at crime scenes. And not the first crime these guns were used in, but at the last."

When asked how he thought sending guns into Mexico could lead to busts of drug cartels, Dodson replied, "I have never heard an explanation from anyone involved in Operation Fast and Furious that I believe would justify what we did."

If that wasn't moving enough, during the same congressional hearing held last June, Josephine Terry -- the mother of slain U.S. Border Patrol Agent Brian Terry -- was asked if there is anything she would like to say to whomever approved Fast and Furious. After taking a moment to regain her composure, she said, "I don't know what I would say to them, but I would like to know what they would say to me."

Right after the shooting, we do know what some ATF officials were saying to each other. The day after Agent Terry was killed an [e-mail](#) exchange among ATF agents at 7:45 p.m. confirmed that two of the weapons that Jaime Avila had purchased as part of Operation Fast and Furious were found at Terry's murder scene. The names on the e-mail were redacted by the government, but the email says, "The two firearms recovered by ATF this afternoon near Rio Rico, Arizona, in conjunction with the shooting death of U.S. Border Patrol agent Terry were identified as 'Suspect Guns' in the Fast and Furious investigation [REDACTED]." A third gun was later linked to the scene.

The Cover Up Begins

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About five weeks before Agent Terry was slain, the 2010 election took place and the U.S. House of Representatives succumbed to Republican control in January 2011. This gave Rep. Issa a chance to investigate as whistleblowers came forward.

Meanwhile, as freshmen congressmen were settling into their new offices, on Jan. 19, 2011, the ATF finally arrested the straw purchasers. On Jan. 25, 2011 Phoenix Special Agent in Charge William Newell held a press conference announcing the indictment of 20 people the ATF had been watching purchase firearms. However, when asked if agents purposefully allowed weapons to enter Mexico, Newell said, "Hell, no." (In a "supplemental statement," provided to the House Oversight and Government Reform Committee on July 26, 2011, Newell clarified his statements by saying agents did not knowingly allow thousands of weapons to reach criminal hands.)

Evidence soon showed this to be less than true.

On Jan. 27, 2011, Sen. Grassley wrote a letter to ATF Acting Director Kenneth Melson that said: "Members of the Judiciary Committee have received numerous allegations that the ATF sanctioned the sale of hundreds of assault weapons to suspected straw purchasers, who then allegedly transported these weapons throughout the southwestern border area and into Mexico...."

Grassley requested that the ATF brief his staff on the matter.

Days later, on Jan. 31, 2011, Grassley wrote a second letter to Melson that claimed whistleblowers were being targeted. Grassley wrote, "This is exactly the wrong sort of reaction for the ATF. Rather than focusing on retaliating against whistleblowers, the ATF's sole focus should be on finding and disclosing the truth as soon as possible."

Despite growing evidence, on Feb. 4, 2011, Assistant Attorney General Ronald Weich wrote Sen. Grassley and denied that the U.S. Justice Department "sanctioned" the sale of guns to people they believed were going to deliver them to Mexican drug cartels.

Then, on Feb. 15, 2011, Immigration and Customs Enforcement Agent Jaime Zapata was murdered in Mexico. The Associated Press [reported](#) (on Feb. 28), based on an unnamed source, that the weapon used to kill Zapata "was shipped through [Laredo](#) with the possible knowledge of the ATF."

A week later, on Feb. 23, 2011, CBS Evening News ran a story on Operation Fast and Furious that included interviews with ATF whistleblowers who said they'd objected to the program. With pressure building, on March 8, 2011, the U.S. Justice Department told Sen. Grassley that the matter would be reviewed by the U.S. Department of Justice's Office of Inspector General; however, this internal investigation seems to have become the official excuse for not giving congressional investigators everything they're demanding.

On March 22, 2011 President Obama was finally asked about Operation Fast and Furious. The question came from Univision, a Spanish-language network. "Well, first of all," answered President Obama, "I did not authorize [Fast and Furious]. Eric Holder, the attorney general, did not authorize it. There may be a situation here in which a serious mistake was made. If that's the case, then we'll find -- find out and we'll hold somebody accountable."

On May 3, 2011, Attorney General Holder testified to the House Judiciary Committee. Rep. Darrell Issa and Holder had an exchange about Operation Fast and Furious. After a series of questions, Holder answered, "I probably heard about Fast and Furious for the first time over the last few weeks."

Rep. Issa hasn't been satisfied with this answer. He later said, "Are we confident that Eric Holder knew it much earlier? No. Did he know it earlier than he testified? Absolutely."

On June 29, 2011 a reporter asked President Obama about the matter at a White House news conference. Obama said in part: "I'm not going to comment on the current investigation.... As soon as the investigation is complete, appropriate action will be taken."

But just days later, on July 4, 2011, Acting ATF Director Kenneth Melson surprised some by speaking to congressional investigators from the House Oversight and Government Reform Committee and the Senate Judiciary Committee. Melson met with investigators with his personal attorney present -- not Justice Department attorneys.

The next day Rep. Issa and Sen. Grassley wrote a [letter](#) to Attorney General Holder about Melson's testimony. The letter says Melson "claimed that ATF's senior leadership would have preferred to be more cooperative with our inquiry much earlier in the process. However, he said that Justice Department officials directed them not to respond and took full control of replying to briefing and document requests from Congress."

Melson was pointing to a cover up at the U.S. Justice Department while refusing to be a scapegoat. However, Tracy Schmalzer, a spokesperson for the U.S. Department of Justice, said to us on Sept. 27, 2011 that no cover up is occurring. He said, "We have turned over thousands of documents, just what documents do you want?"

The Favored Few Get New Positions

Obviously perplexed with what to do with Melson, the U.S. Justice Department moved Melson to a new post inside the ATF, a position that protects his retirement package. Perhaps this is some of the "appropriate action" President Obama said would be taken, if so, more appropriate action soon followed.

The Obama administration next promoted some of the officials who ran the program. William G. McMahon, who was the ATF's deputy director of

operations in the West, William D. Newell, and David Voth, who were both field supervisors who oversaw the Fast and Furious program out of the agency's Phoenix office, were promoted to positions in Washington, D.C. Voth is the one who said in an email, "If you don't think [Fast and Furious] is fun you're in the wrong line of work -- period." And, when asked if guns were being allowed to cross the southern border, Newell is the one who said, "Hell, no." Yet both got cushy desk jobs in D.C.

Then, as if to shine a spotlight on how political the Fast and Furious operation always was, last August the Obama administration announced new firearm-reporting regulations that gun stores in southern border states must follow—this when gun storeowners have done everything asked of them and as the National Shooting Sports Foundation (NSSF), the trade association that represents firearms manufacturers, pays for a longstanding program called "Don't Lie for the Other Guy" (www.dontlie.org) that combats illegal gun sales by raising awareness.

Also, the National Rifle Association has been on top of this story from the beginning. Chris W. Cox, the NRA's chief lobbyist now says, "It would be a serious miscarriage of justice if no one is held accountable for this deadly scandal. The President and his Justice Department cannot run away from this. The NRA will make sure that every member, hunter, gun owner, and indeed every American, knows the truth about this reckless operation."

Given all the politics and the cover up that even the former ATF director says has occurred, could operation Fast and Furious have been about anything other than pushing for new gun-control laws? And given all of this obfuscation from the Obama administration, isn't this scandal comparable to the cover up that surrounded Watergate? After all, both administrations forgot that America is a country that reveres its freedom of the press and that in America officers speak out when misguided policies get cops killed. Here mothers testify before Congress when they find out a secret government program, and a stupid one at that, got their son killed.

Not that morality ends at the American border. To stress this point, Rep. Issa held a conference call with journalists on September 21 in which he said Marisela Morales, Mexico's attorney general, is reporting that at least 200 Mexican deaths can now be traced to weapons from the Fast and Furious program.

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And so the investigation and the bloody aftermath continue....

Frank Miniter is the author of Saving the Bill of Rights and The Ultimate Man's Survival Guide.

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