



U.S. Department of Justice  
Office of Information Policy  
Suite 11050  
1425 New York Avenue, NW  
Washington, DC 20530-0001

Telephone: (202) 514-3642

AUG 30 2012

Mr. David Martosko  
The Daily Caller  
Suite 900  
1050 17th Street, NW  
Washington, DC 20036

Re: PAO/12-00253 (F)  
CLM:DRH:JBG

Dear Mr. Martosko:

This responds to your Freedom of Information Act (FOIA) request dated December 4, 2011, and received in this Office on December 5, 2011, in which you requested copies of communications between Tracy Schmalzer, from her time as the Deputy Director and Director of the Office of Public Affairs, and representatives of Media Matters for America or Media Matters Action Network. The time frame for this request is from January 1, 2009, to the present. This response is made on behalf of the Office of Public Affairs.

Please be advised that a search was conducted in the Office of Public Affairs, and sixty-nine pages of material were located that are responsive to your request. I have determined that sixty-six pages of material are appropriate for release without excision and copies are enclosed. Also enclosed are three pages of material which are appropriate for release with excisions made pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6). This exemption concerns information the release of which would constitute a clearly unwarranted invasion of the personal privacy of a third parties. Finally, please note that duplicate material are included for your reference and are shaded in gray.

If you are not satisfied with my final response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or by e-mail at [DOJ.OIP.AdministrativeAppeal@usdoj.gov](mailto:DOJ.OIP.AdministrativeAppeal@usdoj.gov). Your appeal must be received within sixty days from the date of this letter. Both the letter and the envelope, or the e-mail, should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Carmen L. Mallon  
Chief of Staff

Enclosures

**Bishop-Green, Jacob (OIP)**

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**From:** Jeremy Holden [jholden@mediamatters.org]  
**Sent:** Friday, November 19, 2010 10:02 AM  
**To:** Schmalzer, Tracy (SMO)  
**Subject:** RE: Great piece ...

Thanks!

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**From:** Schmalzer, Tracy (SMO) [mailto:[Tracy.Schmalzer@usdoj.gov](mailto:Tracy.Schmalzer@usdoj.gov)]  
**Sent:** Friday, November 19, 2010 10:01 AM  
**To:** [jholden@mediamatters.org](mailto:jholden@mediamatters.org)  
**Subject:** Great piece ...

On USCCR "investigation" ...

**Schmaler, Tracy (OPA)**

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**From:** Jeremy Holden [jholden@mediamatters.org]  
**Sent:** Monday, September 20, 2010 5:51 PM  
**To:** Schmaler, Tracy (SMO)  
**Subject:** RE: here's one Wolf letter

The response to interrog 38 is particularly helpful. Thanks!

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**From:** Schmaler, Tracy (SMO) [mailto:[Tracy.Schmaler@usdoj.gov](mailto:Tracy.Schmaler@usdoj.gov)]  
**Sent:** Monday, September 20, 2010 5:34 PM  
**To:** [jholden@mediamatters.org](mailto:jholden@mediamatters.org)  
**Subject:** here's one Wolf letter

**From:** Jeremy Holden [jholden@mediamatters.org]  
**Sent:** Monday, September 20, 2010 8:34 PM  
**To:** Schmalzer, Tracy (SMO)  
**Subject:** Re: here's one Wolf letter

On 9/20/10, Schmaier, Tracy (SMO) <Tracy.Schmaier@usdoj.gov> wrote:  
> here's another one to Smith - it's about perrelli contact w. WH.  
> helpful in that it makes clear perrelli didn't have discussions w/ WH  
> on the case (obviously confirming he knew of it) ... but also  
> illustrates [REDACTED] they've tried to throw up that won't stick

> From: Schmalzer, Tracy (SMO)  
> Sent: Monday, September 20, 2010 5:34 PM  
> To: 'jholden@mediamatters.org'  
> Subject: here's one Wolf letter

Jeremy Holden  
Media Matters for America  
(202) 276-9475



## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Friday, July 08, 2011 1:13 PM  
**To:** Schmaler, Tracy (SMO)  
**Subject:** Re: Project Gunrunner stimulus funding

Thanks again for your help, here's the piece <http://mediamatters.org/research/201107080018>

On Fri, Jul 8, 2011 at 11:30 AM, Matt Gertz <[mgertz@mediamatters.org](mailto:mgertz@mediamatters.org)> wrote:  
Great, thanks!

On Fri, Jul 8, 2011 at 11:29 AM, Schmaler, Tracy (SMO) <[Tracy.Schmaler@usdoj.gov](mailto:Tracy.Schmaler@usdoj.gov)> wrote:

Here's what I got back from budget folks. You're right -

The ARRA money put agents in El Centro CA, Las Cruces and Roswell, NM, McAllen TX, and Mexico (Tijuana and Juarez), so it would not have funded the Phoenix Gunrunner team.

Phoenix did receive a Gunrunner team through an FY 2009 Congressional earmark in the FY 2009 appropriation (what I like to call regular budget money).

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**From:** Matt Gertz [mailto:[mgertz@mediamatters.org](mailto:mgertz@mediamatters.org)]  
**Sent:** Friday, July 08, 2011 9:50 AM

**To:** Schmaler, Tracy (SMO)  
**Subject:** Project Gunrunner stimulus funding

Hi Tracy,

I'm working on debunking what I think is a conservative media myth about Operation Fast and Furious and was hoping you could help me out. Xochitl directed me to you as the person to talk to.

Several media outlets, including Fox News this morning, are claiming that Fast and Furious was paid for with stimulus dollars. My research suggests that this is not true, and I was hoping you'd be able to confirm that.

According to the DOJ IG report (page 5) on Project Gunrunner from Sept. 2009, the ARRA dollars were used to hire agents in TX, CA, NM, and Mexico. A June 2010 ATF doc (page 4) detailing their recovery spending likewise indicates the opening of offices or hiring of agents in those areas. Since Fast and Furious was run out of the Phoenix, AZ, ATF office, this would seem to point to no stimulus dollars going to those operations.

FOIA Exemption 6

I'm planning to post this by 1 p.m. since it's a talking point likely to snowball if it isn't stopped. If that's not a feasible timeframe for a response, please let me know.

Thanks,

--  
Matthew Gertz

Deputy Research Director

*Media Matters for America*

202.772.8153

--  
Matthew Gertz  
Deputy Research Director  
*Media Matters for America*  
202.772.8153

--  
Matthew Gertz  
Deputy Research Director  
*Media Matters for America*  
202.772.8153

**Schmaler, Tracy (OPA)**

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**From:** Jeremy Schulman [jschulman@mediamatters.org]  
**Sent:** Thursday, July 14, 2011 3:06 PM  
**To:** Schmaler, Tracy (SMO)  
**Subject:** Re: comment on phone hacking investigation

thanks

On Thu, Jul 14, 2011 at 3:04 PM, Schmaler, Tracy (SMO) <[Tracy.Schmaler@usdoj.gov](mailto:Tracy.Schmaler@usdoj.gov)> wrote:

Hey - no, sorry can't confirm - Providing the following

"The department does not comment specifically on investigations, though anytime we see evidence of wrongdoing, we take appropriate action."

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**From:** Jeremy Schulman [mailto:[jschulman@mediamatters.org](mailto:jschulman@mediamatters.org)]  
**Sent:** Thursday, July 14, 2011 3:04 PM  
**To:** Schmaler, Tracy (SMO)  
**Subject:** comment on phone hacking investigation

Hi Tracy,

I'm a reporter with Media Matters for America. Does Justice have a comment on the anonymous reports that the FBI is investigating allegations that News Corp journalists illegally accessed phone records/voicemail of 9/11 victims, their families, or other Americans? Can you confirm the investigation is happening?

Thanks

Jeremy Schulman

Media Matters for America



## Schmaler, Tracy (OPA)

**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Friday, September 09, 2011 11:19 AM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Re: Clued-in blogger warning of "Huge Gunwalker story" on Fox today

**EXCLUSIVE: Third Gun Linked to 'Fast and Furious' Identified at Border Agent's Murder Scene**

By William Lajeunesse  
Published September 09, 2011  
FoxNews.com

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AP Photo/U.S. Customs and Border Protection, File

This undated photo provided by U.S. Customs and Border Protection shows U.S. Border Patrol agent Brian A. Terry. Terry was fatally shot north of the Arizona-Mexico border while trying to catch bandits who target undocumented immigrants, the leader of a union representing agents said Wednesday, Dec. 15, 2010.

A third gun linked to "Operation Fast and Furious" was found at the murder scene of Border Patrol Agent Brian Terry, new documents obtained exclusively by Fox News suggest, contradicting earlier assertions by federal agencies that police found only two weapons tied to the federal government's now-infamous gun interdiction scandal.

Sources say emails support their contention that the FBI concealed evidence to protect a confidential informant. Sources close to the Terry case say the FBI informant works inside a major Mexican cartel and provided the money to obtain the weapons used to kill Terry.

Unlike the two AK-style assault weapons found at the scene, the third weapon could more easily be linked to the informant. To prevent that from happening, sources say, the third gun "disappeared."

In addition to the emails obtained by Fox News, an audio recording from a Bureau of Alcohol, Tobacco, Firearms and Explosives agent investigating the Terry case seems to confirm the existence of a third weapon. In that conversation, the agent refers to an "SKS assault rifle out of Texas" found at the Terry murder scene south of Tucson.

The FBI refused to answer a detailed set of questions submitted to officials by Fox News. Instead, agency spokesman Paul Bresson said, "The Brian Terry investigation is still ongoing so I cannot comment." Bresson referred Fox News to court records that only identify the two possible murder weapons.

However, in the hours after Terry was killed on Dec. 14, 2010, several emails written to top ATF officials suggest otherwise.

In one, an intelligence analyst writes that by 7:45 p.m. -- about 21 hours after the shooting -- she had successfully traced two weapons at the scene, and is now "researching the trace status of firearms recovered earlier today by the FBI."

In another email, deputy ATF-Phoenix director George Gillett asks: "Are those two (AK-47s) in addition to the gun already recovered this morning?"

The two AK-type assault rifles were purchased by Jaime Avila from the Lone Wolf Trading Co. outside of Phoenix on Jan. 16, 2010. Avila was recruited by his roommate Uriel Patino. Patino, according to sources, received \$70,000 in "seed money" from the FBI informant late in 2009 to buy guns for the cartel.



According to a memo from Assistant U.S. Attorney Emory Hurley, who oversaw the operation, Avila began purchasing firearms in November 2009, shortly after Patino, who ultimately purchased more than 600 guns and became the largest buyer of guns in Operation Fast and Furious.

Months ago, congressional investigators developed information that both the FBI and DEA not only knew about the failed gun operation, but that they may be complicit in it. House Government Reform and Oversight Committee Chairman Darrell Issa, R-Calif., and Sen. Charles Grassley, R-Iowa, fired off letters in July requesting specific details from FBI director Robert Mueller and Drug Enforcement Administration chief Michele Leonhart.

"In recent weeks, we have learned of the possible involvement of paid FBI informants in Operation Fast and Furious," Issa and Grassley wrote to Mueller. "Specifically, at least one individual who is allegedly an FBI informant might have been in communication with, and was perhaps even conspiring with, at least one suspect whom ATF was monitoring."

Sources say the FBI is using the informants in a national security investigation. The men were allegedly debriefed by the FBI at a safe house in New Mexico last year.

Sources say the informants previously worked for the DEA and U.S. Marshall's Office but their contracts were terminated because the men were "stone-cold killers." The FBI however stopped their scheduled deportation because their high ranks within the cartel were useful. In their July letter, Issa and Grassley asked Mueller if any of those informants were ever deported by the DEA or any other law enforcement entity and how they were repatriated.

Asked about the content of the emails, a former federal prosecutor who viewed them expressed shock.

"I have never seen anything like this. I can see the FBI may have an informant involved but I can't see them tampering with evidence. If this is all accurate, I'm stunned," the former prosecutor said.

"This information confirms what our sources were saying all along — that the FBI was covering up the true circumstances of the murder of Brian Terry," added Mike Vanderboegh, an authority on the Fast and Furious investigation who runs a whistleblower website called Sipsey Street.

"It also confirms that the FBI was at least as culpable, and perhaps more culpable, than the ATF in the Fast and Furious scandal, and that there was some guiding hand above both these agencies (and the other agencies involved) coordinating the larger operation," Vanderboegh said.

Asked about the new evidence, Terry family attorney Pat McGroder said, "The family wants answers. They'd like to put this to rest and put closure to exactly what happened to Brian."

Read more: <http://www.foxnews.com/politics/2011/09/09/exclusive-third-gun-linked-to-fast-and-furious-identified-at-border-agents/#ixzz1XT7ZDynN>

On Fri, Sep 9, 2011 at 10:58 AM, Matt Gertz <[mgertz@mediamatters.org](mailto:mgertz@mediamatters.org)> wrote:

Claim is there was a third gun at the Terry murder scene that was covered up because it was procured by an FBI informant inside the Sinaloa cartel.

On Fri, Sep 9, 2011 at 10:37 AM, Schmalzer, Tracy (OPA) <[Tracy.Schmalzer@usdoj.gov](mailto:Tracy.Schmalzer@usdoj.gov)> wrote:

Thanks Matt

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From: Matt Gertz [mailto:[mgertz@mediamatters.org](mailto:mgertz@mediamatters.org)]

Sent: Friday, September 09, 2011 10:29 AM

To: Schmalzer, Tracy (OPA)

Subject: Re: Clued-in blogger warning of "Huge Gunwalker story" on Fox today

No idea. Will let you know when the segment happens.

On Fri, Sep 9, 2011 at 10:26 AM, Schmalzer, Tracy (OPA) <[Tracy.Schmalzer@usdoj.gov](mailto:Tracy.Schmalzer@usdoj.gov)> wrote:

??

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From: Matt Gertz [mailto:[mgertz@mediamatters.org](mailto:mgertz@mediamatters.org)]

Sent: Friday, September 09, 2011 10:18 AM

To: Schmalzer, Tracy (OPA)

Subject: Re: Clued-in blogger warning of "Huge Gunwalker story" on Fox today

This was the tease:

HEMMER: Also two weapons found at the scene where Border Agent Brian, uh, Terry was murdered linked to a botched federal gunrunning sting operation, and today the plot thickens once again.

UNIDENTIFIED: The family wants answers. They'd like to put to rest and put closure to exactly what happened to Bryan.

On Fri, Sep 9, 2011 at 9:25 AM, Matt Gertz <[mgertz@mediamatters.org](mailto:mgertz@mediamatters.org)> wrote:  
Will do. If it's something old, my guess is Indiana <http://www.examiner.com/gun-rights-in-national/exclusive-report-documents-indicate-atf-fbi-allowed-indiana-crime-gun-sales>

On Fri, Sep 9, 2011 at 9:19 AM, Schmalzer, Tracy (OPA) <[Tracy.Schmalzer@usdoj.gov](mailto:Tracy.Schmalzer@usdoj.gov)> wrote:

So far, no one's got an idea ... unless it's something that's already been out. Let's stay in touch...

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**From:** Matt Gertz [<mailto:mgertz@mediamatters.org>]  
**Sent:** Friday, September 09, 2011 8:29 AM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Clued-in blogger warning of "Huge Gunwalker story" on Fox today

This is Vanderboegh, who broke the story in the first place and has contacts in the media and at Oversight. Any idea what it's about?

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**FOX Got 'Em. Huge Gunwalker Story Breaking Later This Morning.**

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If you're headed to work, you might want to set the recorder for FOX News this morning about, say, 10AM EST. Award-winning stuff if what I've been told happens.

Matthew Gertz

Deputy Research Director

*Media Matters for America*

202.772.8153



## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Wednesday, October 05, 2011 7:53 PM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Re: statement on F&F?

Sorry, was ooto all day, post here <http://politicalcorrection.org/blog/201110040019> was picked up by houston chronicle and steve benen at wash monthly, possibly others as well.

On Wed, Oct 5, 2011 at 3:11 PM, Schmaler, Tracy (OPA) <[Tracy.Schmaler@usdoj.gov](mailto:Tracy.Schmaler@usdoj.gov)> wrote:  
did you do something on this?

On Oct 4, 2011, at 1:12 PM, "Matt Gertz" <[mgertz@mediamatters.org](mailto:mgertz@mediamatters.org)> wrote:

So this in the Arizmendiz complaint that Atkisson included in her March piece -- does this mean there are two Bush era gunwalking cases?

<http://www.cbsnews.com/htdocs/pdf/RAMOSE110308.pdf?tag=contentMain;contentBody>

On Tue, Oct 4, 2011 at 1:04 PM, Schmaler, Tracy (OPA) <[Tracy.Schmaler@usdoj.gov](mailto:Tracy.Schmaler@usdoj.gov)> wrote:

Yep -- below is what I've given out. (attached is a request from issa for a briefing and the email that went up months ago referencing the it and f and f)

*From DOJ official --*

The Attorney General has consistently said he became aware of the questionable tactics in this operation in early 2011 when ATF agents first raised them publicly, and then promptly asked the IG to investigate the matter.

In March 2011 before the Senate Appropriations Subcommittee, he testified that he had recently become aware of the concerns with the operation and asked the IG to look into the matter. So when Chairman Issa asked about the operation, including the controversial tactics, several weeks later in May 2011, the AG provided the same response. (see transcript below)

The weekly reports (100 + pages) are provided to the office of the AG and DAG each week from approximately 24 offices and components. These are routine reports that provide general overviews and status updates on issues, policies, cases and investigations from offices and components across the country. None of these reports referenced the controversial tactics of that allowed guns to cross the border.

Chairman Issa, of all people, should be familiar with the difference between knowing about an investigation and being aware of questionable tactics employed in that investigation since documents provided to his committee show he was given a briefing that included the fast and furious operation in 2010 -- a year before the controversy emerged.

*Transcript form 3/10/11 hearing*

HEARING OF THE SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND  
RELATED AGENCIES OF THE SENATE APPROPRIATIONS COMMITTEE

SEN. HUTCHISON: Yes, thank you, Madame Chairman. I'll try to also -- I will stick to the five-minute rule.

Let me ask you about the ATF issue that I mentioned in my opening statement, that there are reports that there was actually a knowledge of the ATF, of the sales that were going on, of the arms out of America, illegally out of America, into Mexico, purportedly, I think, to be able to trace them, but after the shooting of the agent in Mexico traced to those arms and also the shooting of the agent in Arizona. What is your view now on that particular program? And I know that you've asked for an IG study of it, but tell me if you think that that program should be continued. Is it the correct use of the Project Gunrunner subprogram, I guess? Because it -- of course, it's a great concern.

ATTY GEN. HOLDER: Well, first, I'd say that, you know, the mission of ATF and the mission to which they are dedicated is to stop the flow of guns into Mexico and to people who shouldn't have guns here in the United States. And that is the focus of ATF, and it is why ATF agents serve bravely in Mexico and in this country, and I think do a great job. It is true that there have been concerns expressed by ATF agents about the way in which this operation was conducted -- (inaudible) -- and I took those allegations, those concerns, very seriously, and asked the inspector general to try to get to the bottom of it. An investigation, an inquiry, is now under way.

I've also made clear to people in the department that letting guns walk -- I guess that's the term that the people use -- that letting guns walk is not something that is acceptable. Guns are different than drug cases or cases where we're trying to follow where money goes. We cannot have a situation where guns are allowed to walk, and I've made that clear to the United States attorneys as well as the agents in charge in the various ATF offices.



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*Transcript from 5/3/11 hearing*

REPRESENTATIVE DARRELL ISSA (R-CA): Mr. Attorney General, we have two Border Patrol agents who are dead, who were killed by guns that were allowed, as far as we can tell, to deliberately walk out of gun shops under the program often called Fast and Furious. This program, as you know -- and the president's been asked about it; you've been asked about it -- allowed for weapons to be sold to straw purchasers, and ultimately many of those weapons are today in the hands of drug cartels and other criminals. When did you first know about the program, officially, I believe, called Fast and Furious? To the best of your knowledge, what date?

ATTY. GEN. HOLDER: I'm not sure of the exact date, but I probably heard about Fast and Furious for the first time over the last few weeks.

###

*Weinstein Email --*

This email referred to an operation that was conducted in the previous administration, from 2006 to approximately the end of 2007, known as Operation Wide Receiver, which was handled by ATF's Tucson office and the U.S. Attorney's Office in Arizona.

Operation Wide Receiver was initiated by the ATF in 2006 after it received information about a suspicious purchase of firearms. Although the investigation was concluded in 2007, no charges were filed.

In about 2009, years after that investigation was concluded, the former Gang Unit reviewed the case for possible prosecution. During the review of the case, the Gang Unit prosecutor learned the ATF Arizona had permitted guns to be transferred to suspected gun traffickers and had not interdicted them.

Given the serious nature of the alleged gun trafficking and the available evidence, the Gang Unit prosecutor decided to bring charges against the gun traffickers, and did so. The investigation resulted in two sets of indictments that were unsealed toward the end of 2010.

Prior to the unsealing of the Wide Receiver indictments, in an email about the prosecution, deputy assistant attorney general Weinstein raised concerns about investigative methods in the Wide Receiver case. His reference to a "tricky case" in which the questionable tactics were used was to Wide Receiver (also referred to as "Laura's Tucson case") and not to Fast and Furious. He mentioned Fast and Furious only because of his belief at the time that the cases would be announced in close proximity.

The only connection made between Fast and Furious and Wide Receiver at the time was one of timing, not tactics.

In the Wide Receiver prosecution, the Criminal Division's effort was to ensure dangerous gun traffickers were punished for their crimes. [Five of the 10 charged defendants have pleaded guilty for their crimes], thanks to the work of these prosecutors, years after the investigation was concluded.

--  
Matthew Gertz  
Deputy Research Director  
*Media Matters for America*  
202.772.8153

## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Tuesday, November 01, 2011 11:37 AM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Re: docs

Sure.

On Tue, Nov 1, 2011 at 11:35 AM, Schmaler, Tracy (OPA) <Tracy.Schmaler@usdoj.gov> wrote:

Shouldn't be, these have additional redactions for privacy act protections of lower level employees as well. [REDACTED]  
[REDACTED] Since they have the bates # (bottom right), confirms they went  
up to hill.

FOIA Exemption 6

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**From:** Matt Gertz [mailto:mgertz@mediamatters.org]  
**Sent:** Tuesday, November 01, 2011 11:34 AM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Re: docs

Any issue with me posting any portion of these docs online?

On Tue, Nov 1, 2011 at 9:47 AM, Schmaler, Tracy (OPA) <Tracy.Schmaler@usdoj.gov> wrote:

Assistant Attorney General Lanny A. Breuer of the Criminal Division released the following statement today:

"Throughout my tenure as Assistant Attorney General, one of my highest priorities, and one of the central missions that I have set for the Criminal Division, has been to work with our Mexican counterparts to fight the scourge of drug trafficking and violence in Mexico, and to address the public safety crisis along the Southwest Border of the United States. That is why, among many other steps, in 2009, I offered Southwest Border U.S. Attorneys' Offices assistance from one of the Criminal Division's experienced prosecutors to assist in gun trafficking prosecutions.

"In response to that offer, the Arizona U.S. Attorney's Office asked the Criminal Division prosecutor to assume responsibility for Operation Wide Receiver, and the Criminal Division's Gang Unit agreed to do so, despite not having been involved in the underlying flawed investigation of the matter by the Tucson Field Office of the ATF's Phoenix Field Division in 2006 and 2007.

"As that prosecutor evaluated the case in the fall of 2009, she realized that ATF's investigation - which had concluded two years earlier - had included the use of misguided tactics that had resulted in ATF losing



control of numerous guns that then crossed the border into Mexico. This information was brought to my attention in April 2010.

"When I learned of the unacceptable tactics used in Operation Wide Receiver, I instructed one of my Deputy Assistant Attorneys General to schedule a meeting with ATF's Acting Director and Deputy Director to bring these issues to their attention. The next day, my Deputy contacted ATF leadership to arrange a meeting, and approximately one week later, my Deputy met with the ATF Deputy Director and others to discuss this matter.

"In prosecuting the defendants in Operation Wide Receiver, the Criminal Division focused on how to ensure that those responsible for illegal firearms trafficking were brought to justice, despite the flaws in the investigation.

"Knowing what I now know was a pattern of unacceptable and misguided tactics used by the ATF, I regret that I did not alert others within the leadership of the Department of Justice to the tactics used in Operation Wide Receiver when they first came to my attention.

"When the allegations related to Operation Fast and Furious became public earlier this year, the leadership of ATF and the U.S. Attorney's Office in Arizona repeatedly assured individuals in the Criminal Division and the leadership of the Department of Justice that those allegations were not true. As a result, I did not draw a connection between the unacceptable tactics used by the ATF years earlier in Operation Wide Receiver and the allegations made about Operation Fast and Furious, and therefore did not, at that time, alert others within Department leadership of any similarities between the two. That was a mistake, and I regret not having done so.

"I remain more committed than ever to the Criminal Division's mission to fight violence in the United States and Mexico."

Matthew Gertz



## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Wednesday, November 02, 2011 8:13 AM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** GA Terrorism Suspects Wanted To Make Vanderboegh's Blood-Soaked Novel A Reality

Vanderboegh is basically the guy pushing the Fast and Furious story. He's also about three inches away from being an insurrectionist. Long story short, he wrote a novel about how gun owners will fight back when the feds come for their guns, and a group of would-be domestic terrorists cited it as the inspiration for their efforts to attack ATF and IRS offices in Georgia.

<http://mediamatters.org/blog/201111020002>

## GA Terrorism Suspects Allegedly Wanted To Make Fox Expert's Blood-Soaked Novel A Reality

November 02, 2011 7:59 am ET by Matt Gertz



Four alleged members of a Georgia militia group were arrested yesterday relating to their alleged plot to kill numerous government officials. According to the complaint, one of the arrested repeatedly cited as the source of their plan the novel *Absolved*, authored by Fox News expert Mike Vanderboegh, the former militia member famous for urging his blog readers to hurl bricks through the windows of Democratic offices.

In Vanderboegh's novel, which was self-published online, underground militia fighters declare war on the federal government over gun control laws and same-sex marriage, leading to a second American revolution. In the introduction to *Absolved*, Vanderboegh calls the book "a cautionary tale for the out-of-control gun cops of the ATF" and "a combination field manual, technical manual and call to arms for my beloved gunnies of the armed citizenry."

The Alabama-based blogger was one of the first to report on the ATF's failed Operation Fast and Furious. He has since promoted a variety of absurd conspiracy theories about the story.

In recent months, Fox News has mainstreamed Vanderboegh, treating him as an expert on the ATF's Operation Fast and Furious, featuring him in cable and online reports and identifying him as an "online journalist" and an "authority on the Fast and Furious investigation." Fox has not acknowledged Vanderboegh's extremist views, actions, and affiliations.

The self-proclaimed Toccoa, Georgia-based "covert group" was allegedly plotting to obtain explosives and silencers and to manufacture ricin, a biological agent. According to the complaint, the group planned to target for assassination numerous government officials, including judges and employees of the Department of Justice and Internal Revenue Service.

The complaint alleges that at an April meeting one of the accused, Frederick Thomas, said he "intended to model their actions on the plot of an online novel called Absolved":

THOMAS also explained to the others present that he intended to model their actions on the plot of an online novel called Absolved. The plot of Absolved involves small groups of citizens attacking United States federal law enforcement representatives and federal judges. THOMAS expressed his belief that they should consider a number of assassinations on various government officials, and he particularly expressed a desire to kill Department of Justice (DOJ) and Internal Revenue Service (IRS) employees.

The complaint also alleges that at a prior meeting, Thomas "mentioned a fictional novel he had read on-line in which an anti-government group killed a large number of federal Department of Justice attorneys, and then he stated, 'Now of course, that's just fiction, but that's a damn good idea.' " Thomas also allegedly linked his plan to Absolved during a June 9 meeting.

According to the complaint, in May, Thomas and a confidential government source traveled to Atlanta and "conducted surveillance" on ATF and IRS offices "to plan and assess for possible attacks," with Thomas discussing obtaining explosives and the best way to blow up the buildings. The complaints allege that from June through November, Thomas and defendant Dan Roberts negotiated the purchase of explosives from an undercover agent. The government also alleged that in October, the other two members of the group described to the confidential source plans to manufacture ricin and disburse it in U.S. cities.

Roberts' complaint describes the defendants as "members of a fringe group of a known militia organization, with the fringe group calling itself the 'covert group.' " According to FBI sources, the "known militia organization" is the Georgia Militia, a statewide militia with at least a dozen active chapters, or "battalions" according to its website. The Georgia Militia website identifies Toccoa resident Dan Roberts as both a "Captain" and the commanding officer of the Toccoa-based 440th Squad. Emails to address listed for Roberts were not immediately returned.

In a post to his blog yesterday evening, Vanderboegh linked to an article about the arrests, commenting, "Pretty geriatric 'militia.' What does ricin have to do with 'saving the Constitution'? The only idiots I ever heard interested in ricin were neoNazis."

In his "Internet Introduction" to the novel, Vanderborgh wrote that that Absolved is "a cautionary tale for the out-of-control gun cops of the ATF," and explained:

For that warning to be credible, I must also present what amounts to a combination field manual, technical manual and call to arms for my beloved gunnies of the armed citizenry. They need to know how powerful they could truly be if they were pushed into a corner.

Vanderboegh portrays himself as preparing for the unfortunate day when the events in Absolved may come to pass (though he says that "another civil war in this country is the last thing I want.") He is a leader of the Three Percenters, a group which claims to represent the three percent of gun owners who "who will not disarm, will not compromise and will no longer back up at the passage of the next gun control act" but will instead, "if forced by any would-be oppressor, ... kill in the defense of ourselves and the Constitution."

Vanderboegh has suggested that those who tried to push the licensing and registration of firearms would be "proposing the next American civil war" because the Three Percenters "would kill anyone who tried to further restrict our God-given liberty."



The complaint details a similar scenario described by Thomas:

THOMAS described a scenario in which he felt would be the "line in the sand" that would result in the activation of militias. THOMAS believed that soon, during a protest action, a protestor would be shot. It is his opinion the militias would act and respond by openly attacking the police. He then openly discussed having compiled what he called the "Bucket List" which is a list of government employees, politicians, corporate leaders and members of the media he feels needed to be "taken out" to make the country right again."

Last year, Vanderboegh posted on his blog what he described as a report on his book by the Kansas City Regional Terrorism Early Warning Group, an organization of local, state, and federal law enforcement working with public and private parties to detect and respond to terrorist threats. The report stated:

The stories told by Vanderboegh show that many in the U.S. harbor a belief that the U.S. government is planning, or will plan, a confiscation of firearms from law-abiding citizens. The degree to which he glorifies the killing of law enforcement personnel involved in fictional gun raids also shows the extent many will go to spread their ideology. Vanderboegh's and other works of literature have the possibility to inspire those with extremist beliefs to carry out similar attacks depicted in the writings.

The report described Vanderboegh's novel as "very similar" to National Alliance founder William Pierce's The Turner Diaries, which depicts a U.S. race war in the near future and may have inspired Oklahoma City bomber Timothy McVeigh. Vanderboegh took issue with the characterization, writing,

Yeah, except the whole race war terrorism thing where the Nazis win in the end and fantasize about hanging "race traitors" like me. Yeah, all except for that. Here's the main difference. Pierce was trying to start a war, I'm trying to prevent one.

Tags: Extremism, Guns, Operation Fast and Furious

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## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamattersaction.org]  
**Sent:** Wednesday, November 02, 2011 12:29 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** UPDATE: NRA Contributions To Holder's Critics Grows To Over A Quarter-Million Dollars

**<http://politicalcorrection.org/blog/201111020005>**

## **UPDATE: NRA Contributions To Holder's Critics Grows To Over A Quarter-Million Dollars**

21 seconds ago by Brian Powell

*The Daily Caller's* Matthew Boyle has expanded upon his groundbreaking article tallying and parroting every Republican congressman who has called for Attorney General Eric Holder's resignation in the wake of the ATF's failed gun trafficking operation, Fast and Furious. The list has now grown to 30 members of Congress.

Previously, *Political Correction* highlighted the correlation between congressional calls for Holder's resignation and the financial contributions those members of Congress have received from the National Rifle Association, an organization which has been gunning for Holder's downfall for months. Unsurprisingly, as the list of representatives attacking Holder grows, so does the amount of NRA money in their pockets.

Thirteen members of Congress have been added to Boyle's list since our original post, with the additions bringing the total amount of money this group of individuals has received from the NRA to over \$255,000. Only four of the people calling for Holder's resignation have received no money from the NRA. These four — Rep. Steve Fincher (R-TN), Rep. Paul Gosar (R-AZ), Rep. Randy Hultgren (R-IL), and Rep. Michael Grimm (R-NY) — are all freshmen, who may be looking to make a name for themselves by taking aim at an attorney general who is unpopular on the right.

The updated numbers are below, based on a review of NRA donations listed at [OpenSecrets.org](http://OpenSecrets.org):



**NATIONAL RIFLE ASSOCIATION TO REPUBLICANS CALLING FOR ERIC  
HOLDER'S RESIGNATION**

NAME	2012 CYCLE CONTRIBUTIONS	ALL-TIME CONTRIBUTIONS
ALEXANDER, RODNEY (LA)	\$0	\$13,450
BILIRAKIS, GUS (FL)	\$1,000	\$5,000
BROUN, PAUL (GA)	\$0	\$9,950
BURTON, DAN (IN)	\$1,000	\$68,850
CANSECO, QUICO (TX)	\$1,000	\$1,000
COFFMAN, MIKE (CO)	\$1,000	\$4,000
CULBERSON, JOHN (TX)	\$150	\$10,650
FARENTHOLD, BLAKE (TX)	\$1,000	\$3,500
FINCHER, STEVE (TN)	\$0	\$0
FRANKS, TRENT (AZ)	\$1,000	\$11,950
GOHMERT, LOUIE (TX)	\$0	\$6,500
GOSAR, PAUL (AZ)	\$0	\$0
GRAVES, SAM (MO)	\$1,000	\$27,150
GRIMM, MICHAEL (NY)	\$0	\$0
HARRIS, ANDY (MD)	\$1,000	\$1,000
HARTZLER, VICKY (MO)	\$1,000	\$1,000
HUELSKAMP, TIM (KS)	\$1,000	\$1,000
HULTGREN, RANDY (IL)	\$0	\$0
HUNTER, DUNCAN D. (CA)	\$1,000	\$3,000
JENKINS, LYNN (KS)	\$0	\$2,000
JONES JR., WALTER B. (NC)	\$0	\$35,300
LABRADOR, RAUL (ID)	\$6,950	\$6,950
MACK, CONNIE (FL)	\$0	\$6,000
MICA, JOHN (FL)	\$0	\$11,950
NUNES, DEVIN (CA)	\$0	\$6,500
POE, TED (TX)	\$1,000	\$7,500
POMPEO, MIKE (KS)	\$1,000	\$1,000
ROSS, DENNIS A. (FL)	\$2,000	\$6,000
WALSH, JOE (IL)	\$1,000	\$3,000
WEST, ALLEN (FL)	\$1,000	\$1,000
<b>TOTALS</b>	<b>\$24,100</b>	<b>\$255,200</b>

The NRA has been attacking Holder in fundraising emails and in public comments by their executive vice president, Wayne LaPierre, who first called for Holder's resignation in April. The organization has been obsessed with Operation Fast and Furious and is exploiting it in an attempt to raise money and undermine the credibility of Holder as well as the ATF, whose agents LaPierre described in 1995 as "jack-booted thugs" (he later apologized).

**Schmalers, Tracy (OPA)**

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**From:** 'Matt Gertz' [mgertz@mediamattersaction.org]  
**Sent:** Wednesday, November 02, 2011 12:59 PM  
**To:** Schmalers, Tracy (OPA)  
**Subject:** RE: UPDATE: NRA Contributions To Holder's Critics Grows To Over A Quarter-Million Dollars

np

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**From:** Schmalers, Tracy (OPA) [mailto:Tracy.Schmalers@usdoj.gov]  
**Sent:** Wednesday, November 02, 2011 12:58 PM  
**To:** 'Matt Gertz'  
**Subject:** RE: UPDATE: NRA Contributions To Holder's Critics Grows To Over A Quarter-Million Dollars

I missed this... thanks!

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**From:** 'Matt Gertz' [mailto:mgertz@mediamattersaction.org]  
**Sent:** Wednesday, November 02, 2011 12:55 PM  
**To:** Schmalers, Tracy (OPA)  
**Subject:** RE: UPDATE: NRA Contributions To Holder's Critics Grows To Over A Quarter-Million Dollars

Yeah, that was what my original piece on the story was about <http://mediamatters.org/blog/201110280005>

## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Wednesday, November 02, 2011 3:33 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Re: GA Terrorism Suspects Wanted To Make Vanderboegh's Blood-Soaked Novel A Reality

<http://mediamatters.org/blog/201111020013>

### Fox "Authority" Vanderboegh On His Book Allegedly Inspiring Terrorism: "Did I Mention It Is Fiction?"

November 02, 2011 3:30 pm ET by Matt Gertz

Mike Vanderboegh, the Alabama-based blogger and former militia leader whose novel *Absolved* allegedly inspired four Georgia men arrested yesterday over an alleged plot to kill numerous government officials, is denying any responsibility and lashing out at *Media Matters* and other outlets who reported on that story.

Vanderboegh also reports that he suspects that one of the alleged plotters, Frederick Thomas, had posted comments on Vanderboegh's blog.

In one post, Vanderboegh wrote:

My as-yet-unpublished novel *Absolved*, for the uninitiated, begins with the premise that the ATF, for political agenda reasons of their own, has staged a deadly raid on the wrong Alabama good old boy from Winston County and what happens in the unintended consequences of that stupidity. There is nothing in there about ricin, or terrorist attacks or civilians (unless you count the forces of the federal government) or deliberate targeting of innocents. And did I mention that it is FICTION? [...]

*Absolved* is fiction. I hope it is a "useful dire warning." However, I am as much to blame for the Georgia Geriatric Terrorist Gang as Tom Clancy is for *Nine Eleven*.

Vanderboegh has also stated that the reaction to the story has motivated him to get *Absolved* printed and thanked *Media Matters* for "writing my dust jacket ad copy" by referring to the book as "Blood-Soaked."

In several conversations recorded by a confidential government source, Thomas allegedly said that he intended to model the actions of the group on Vanderboegh's novel. His self-proclaimed Toccoa, Georgia-based "covert group" was allegedly plotting to obtain explosives and silencers, to manufacture the biological agent ricin, and to target for assassination numerous government officials, including judges and employees of the Department of Justice and Internal Revenue Service.

Vanderboegh has been promoted by Fox News as an "authority" on the ATF's failed Operation Fast and Furious on several occasions. While the network has repeatedly reported on the alleged Georgia plot, they have yet to address their hosting of Vanderboegh, the alleged inspiration for it.

**Tags:** Guns, Operation Fast and Furious

On Wed, Nov 2, 2011 at 2:17 PM, Matt Gertz <mgertz@mediamatters.org> wrote:

<http://mediamatters.org/blog/201111020009>

### Fox Covers Up Connection Between Terrorism Allegations And Their Expert

November 02, 2011 1:44 pm ET by Matt Gertz



Fox News is now actively concealing a link between an Alabama-based blogger repeatedly featured on the network as an expert and allegations of a domestic terrorist plot.

This morning on *America's Newsroom*, Fox News ran an extensive report on yesterday's arrest of four Georgia men accused of plotting an attack on federal employees and U.S. citizens using explosives, guns, and the biological toxin ricin. At the end of the segment, correspondent Jonathan Serrie pointed out that one of the defendants "allegedly cited the online novel *Absolved*, which discusses small groups of citizens attacking U.S. officials," with the defendant allegedly "saying that the attacks would be based on events in that novel."

Charging documents indeed state that accused plotter Frederick Thomas repeatedly cited as an inspiration the novel *Absolved*, in which underground militia fighters declare war on the federal government over gun control laws and same-sex marriage, leading to a second American revolution. But Fox's report neglected to mention the allegedly inspirational novel's author, who is no stranger to Fox viewers.

Indeed, the author, Mike Vanderboegh, has been mainstreamed by the network, which has repeatedly featured him as an expert on the ATF's failed Operation Fast and Furious. Fox has identified Vanderboegh as an "online journalist" and an "authority on the Fast and Furious investigation," and has consistently failed to acknowledge his extremist views, actions, and affiliations.

Watch:

Vanderboegh, a former member of the militia and Minuteman movements and now a leader of the "anti-government extremist group" the Three Percenters, which claims to represent the three percent of gun owners who "who will not disarm, will not compromise and will no longer back up at the passage of the next gun control act" but will instead, "if forced by any would-be oppressor, ... kill in the defense of ourselves and the Constitution."

The complaint against Thomas details a similar scenario:

THOMAS described a scenario in which he felt would be the "line in the sand" that would result in the activation of militias. THOMAS believed that soon, during a protest action, a protestor would be shot. It is his opinion the militias would act and respond by openly attacking the police. He then openly discussed having compiled what he called the "Bucket List" which is a list of government employees, politicians, corporate leaders and members of the media he feels needed to be "taken out" to make the country right again."

Vanderboegh has stated that "another civil war in this country is the last thing I want," writing in the introduction to *Absolved* that the novel is "a cautionary tale for the out-of-control gun cops of the ATF," who "need to know how powerful" the "armed citizenry" "could truly be if they were pushed into a corner."

Fox News has repeatedly presented Vanderboegh as a credible source. Their failure to mention his authorship of a novel that allegedly inspired a terrorist plot is telling.

UPDATE: In a subsequent report, Fox's Serrie said that *Absolved* was written by "the former leader of an Alabama militia," and briefly flashed an image of the book's cover that showed Vanderboegh's name. Serrie did not note Vanderboegh's connection to Fox News.

Several earlier reports on *Fox & Friends* also did not reference Vanderboegh.

Tags: Extremism, Guns, Operation Fast and Furious

On Wed, Nov 2, 2011 at 8:33 AM, Schmalzer, Tracy (OPA) <Tracy.Schmalzer@usdoj.gov> wrote:

Wow.

From: Matt Gertz [mailto:mgertz@mediamatters.org]

Sent: Wednesday, November 02, 2011 8:13 AM

Duplicate Record

To: Schmalzer, Tracy (OPA)

Subject: GA Terrorism Suspects Wanted To Make Vanderboegh's Blood-Soaked Novel A Reality

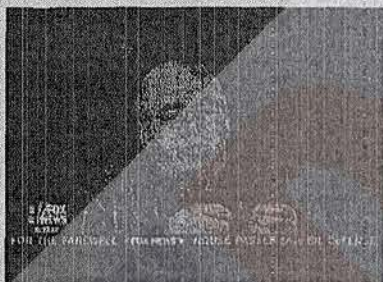


Vanderboegh is basically the guy pushing the Fast and Furious story. He's also about three inches away from being an insurrectionist. Long story short, he wrote a novel about how gun owners will fight back when the feds come for their guns, and a group of would-be domestic terrorists cited it as the inspiration for their efforts to attack ATF and IRS offices in Georgia.

<http://mediamatters.org/blog/201111020002>

## GA Terrorism Suspects Allegedly Wanted To Make Fox Expert's Blood-Soaked Novel A Reality

November 02, 2011 7:59 am ET by Matt Gertz



Duplicate Record

Four alleged members of a Georgia militia group were arrested yesterday relating to their alleged plot to kill numerous government officials. According to the complaint, one of the arrested repeatedly cited as the source of their plan the novel *Absolved*, authored by Fox News expert Mike Vanderboegh, the former militia member famous for urging his blog readers to hurl bricks through the windows of Democratic offices.

In Vanderboegh's novel, which was self-published online, underground militia fighters declare war on the federal government over gun control laws and same-sex marriage, leading to a second American revolution. In the introduction to *Absolved*, Vanderboegh calls the book "a cautionary tale for the out-of-control gun cops of the ATF" and "a combination field manual, technical manual and call to arms for my beloved gunnies of the armed citizenry."

The Alabama-based blogger was one of the first to report on the ATF's failed Operation Fast and Furious. He has since promoted a variety of absurd conspiracy theories about the story.

In recent months, Fox News has mainstreamed Vanderboegh, treating him as an expert on the ATF's Operation Fast and Furious, featuring him in cable and online reports and identifying him as an "online journalist" and an "authority on the Fast and Furious investigation." Fox has not acknowledged Vanderboegh's extremist views, actions, and affiliations.

The self-proclaimed Toccea, Georgia-based "covert group" was allegedly plotting to obtain explosives and silencers and to manufacture ricin, a biological agent. According to the complaint, the group planned to target for assassination numerous government officials, including judges and employees of the Department of Justice and Internal Revenue Service.

The complaint alleges that at an April meeting one of the accused, Frederick Thomas, said he "intended to model their actions on the plot of an online novel called *Absolved*":



THOMAS also explained to the others present that he intended to model their actions on the plot of an online novel called Absolved. The plot of Absolved involves small groups of citizens attacking United States federal law enforcement representatives and federal judges. THOMAS expressed his belief that they should consider a number of assassinations on various government officials, and he particularly expressed a desire to kill Department of Justice (DOJ) and Internal Revenue Service (IRS) employees.

The complaint also alleges that at a prior meeting, Thomas "mentioned a fictional novel he had read on-line in which an anti-government group killed a large number of federal Department of Justice attorneys, and then he stated, 'Now of course, that's just fiction, but that's a damn good idea.'" Thomas also allegedly linked his plan to Absolved during a June 9 meeting.

According to the complaint, in May, Thomas and a confidential government source traveled to Atlanta and "conducted surveillance" on ATF and IRS offices "to plan and assess for possible attacks," with Thomas discussing obtaining explosives and the best way to blow up the buildings. The complaints allege that from June through November, Thomas and defendant Dan Roberts negotiated the purchase of explosives from an undercover agent. The government also alleged that in October, the other two members of the group described to the confidential source plans to manufacture ricin and disburse it in U.S. cities.

Roberts' complaint describes the defendants as "members of a fringe group of a known militia organization, with the fringe group calling itself the 'covert group.'" According to FBI sources, the "known militia organization" is the Georgia Militia, a statewide militia with at least a dozen active chapters, or "battalions" according to its website. The Georgia Militia website identifies Toccoa resident Dan Roberts as both a "Captain" and the commanding officer of the Toccoa-based 440th Squad. Emails to address listed for Roberts were not immediately returned.

Duplicate Record

In a post to his blog yesterday evening, Vanderboegh linked to an article about the arrests, commenting, "Pretty geriatric 'militia.' What does ricin have to do with 'saving the Constitution'? The only idiots I ever heard interested in ricin were neoNazis."

In his "Internet Introduction" to the novel, Vanderborgh wrote that that Absolved is "a cautionary tale for the out-of-control gun cops of the ATF," and explained:

For that warning to be credible, I must also present what amounts to a combination field manual, technical manual and call to arms for my beloved gunnies of the armed citizenry. They need to know how powerful they could truly be if they were pushed into a corner.

Vanderboegh portrays himself as preparing for the unfortunate day when the events in Absolved may come to pass (though he says that "another civil war in this country is the last thing I want.") He is a leader of the Three Percenters, a group which claims to represent the three percent of gun owners who "who will not disarm, will not compromise and will no longer back up at the passage of the next gun control act" but will instead, "if forced by any would-be oppressor, ... kill in the defense of ourselves and the Constitution."

Vanderboegh has suggested that those who tried to push the licensing and registration of firearms would be "proposing the next American civil war" because the Three Percenters "would kill anyone who tried to further restrict our God-given liberty."

The complaint details a similar scenario described by Thomas:

THOMAS described a scenario in which he felt would be the "line in the sand" that would result in the activation of militias. THOMAS believed that soon, during a protest action, a protestor would be shot. It is his opinion the militias would act and respond by openly attacking the police. He then openly discussed having compiled what he called the "Bucket List" which is a list of government employees, politicians, corporate leaders and members of the media he feels needed to be "taken out" to make the country right again."



Last year, Vanderboegh posted on his blog what he described as a report on his book by the Kansas City Regional Terrorism Early Warning Group, an organization of local, state, and federal law enforcement working with public and private parties to detect and respond to terrorist threats. The report stated:

The stories told by Vanderboegh show that many in the U.S. harbor a belief that the U.S. government is planning, or will plan, a confiscation of firearms from law-abiding citizens. The degree to which he glorifies the killing of law enforcement personnel involved in fictional gun raids also shows the extent many will go to spread their ideology. Vanderboegh's and other works of literature have the possibility to inspire those with extremist beliefs to carry out similar attacks depicted in the writings.

The report described Vanderboegh's novel as "very similar" to National Alliance founder William Pierce's The Turner Diaries, which depicts a U.S. race war in the near future and may have inspired Oklahoma City bomber Timothy McVeigh. Vanderboegh took issue with the characterization, writing,

Duplicate Record

Yeah, except the whole race war terrorism thing where the Nazis win in the end and fantasize about hanging "race traitors" like me. Yeah, all except for that. Here's the main difference. Pierce was trying to start a war, I'm trying to prevent one.

Tags: Extremism, Guns, Operation Fast and Furious

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## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Thursday, November 03, 2011 4:28 PM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Terrorism Fusion Center Chief Confirms Group Warned Of Vanderboegh's Novel

fyi...

<http://mediamatters.org/blog/201111030018>

### EXCLUSIVE: Terrorism Fusion Center Chief Confirms Group Warned Of Vanderboegh's Novel

November 03, 2011 4:25 pm ET by Matt Gertz



Captain Bob Kolerda, director of the Kansas City Regional Terrorism Early Warning Group, confirmed in an interview with *Media Matters* that an analyst with his group warned more than a year ago of the potentially dangerous consequences of former Alabama militia leader Mike Vanderboegh's novel *Absolved*.

On Tuesday, the Justice Department announced the arrests of four Georgia men who were allegedly inspired by the book to plot terror attacks against federal employees and civilians. Kolerda, a 34-year veteran of the Overland Park Police Department, responded to the arrests by saying his group's analyst "hit the nail on the head" in highlighting Vanderboegh's novel.

Terrorism Early Warning Groups, also known as fusion centers, bring together local, state, and federal law enforcement as well as public and private organizations to share information and detect and deter terrorist threats.

Fox News has repeatedly featured Vanderboegh as an expert on the ATF's Operation Fast and Furious in recent months, mainstreaming a former militia leader who once urged his readers to throw bricks through the windows of Democratic offices. Fox has yet to address their prior promotion of Vanderboegh in their reports on the alleged Georgia terror plot.

In Vanderboegh's novel, which was self-published online, underground militia fighters declare war on the federal government over gun control laws and same-sex marriage, leading to a second American revolution. In the introduction to *Absolved*, Vanderboegh calls the book "a cautionary tale for the out-of-control gun cops of the ATF" and "a combination field manual, technical manual and call to arms for my beloved gunnies of the armed citizenry." According to the Justice Department, one of the alleged domestic terrorists repeatedly cited the novel as the inspiration for their plot.

In October 2010, an analyst for the Kansas City Regional Terrorism Early Warning Group produced a report warning that Vanderboegh's novel could inspire terrorist threats. The report detailed the book's plot, particularly its protagonists' "attacks on government facilities," highlighted Vanderboegh's history of extremism, and stated (emphasis added):

The stories told by Vanderboegh show that many in the U.S. harbor a belief that the U.S. government is planning, or will plan, a confiscation of firearms from law-abiding citizens. The degree to which he glorifies the killing of law enforcement personnel involved in fictional gun raids also shows the extent many will go to spread their ideology. Vanderboegh's and other works of literature have the possibility to inspire those with extremist beliefs to carry out similar attacks depicted in the writings.

Both the report and Kolenda stressed that possession of Vanderboegh's novel and membership in his extremist Three Percenters organization does not in and of itself indicate a propensity towards domestic terrorism. Nonetheless, Kolenda pointed out that the analyst produced the report because it was "his opinion that it could lead people to do things" of that nature.

Kolenda said that the report had been distributed to local law enforcement so that if they came across the book during their investigations, they would be informed as to its contents and author.

Tags: Fox News Channel, Extremism, Guns, Operation Fast and Furious, Mike Vanderboegh

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Matthew Gertz  
Deputy Research Director  
*Media Matters for America*  
202.772.8153



## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Tuesday, November 08, 2011 4:54 PM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Fox Tries To Defend Bush-Era Gun Walking Operation

FYI

<http://mediamatters.org/blog/201111080023>

### Fox Tries To Defend Bush-Era Gun Walking Operation

November 08, 2011 4:49 pm ET by Chris Brown

On October 4 it was revealed that during the Bush Administration an ATF operation named Wide Receiver included the controversial "gun walking" tactic that was used during the more recent Fast and Furious investigation. The failed Fast and Furious operation resulted in many guns falling into the hands of Mexican cartels and has been at the heart of the National Rifle Association's ongoing calls for Attorney General Eric Holder's resignation as well as a chorus of conspiratorial accusations against the Obama administration.

Right-wing bloggers responded to the news that something similar might have happened during the Bush years with an immediate and sustained scramble to deny that Wide Receiver was anything like Fast and Furious. Using a more creative dodge Fox News correspondent William La Jeunesse dealt with the possible embarrassment of Bush-era gun walking by just suggesting operation Wide Receiver happened at "about the same time" as Fast and Furious in Fox News segment last week.

Today La Jeunesse continued the knee-jerk defense of Wide Receiver by omitting key facts about the case in a segment that aired on *Happening Now*.

Discussing today's Senate Judiciary hearing where Holder testified about gunwalking allegations and other issues, La Jeunesse pushed defensive talking points about Wide Receiver:

LA JEUNESSE: Democrats went back to 2007 to blame gun walking on President Bush first and they failed to say however that Operation Wide Receiver was similar but different then Fast and Furious in that we told Mexico it was happening and agents tried but often failed to surveil the weapons and then they stopped the operation. John as know in Fast and Furious there was no attempt to stop it. Only with the death of Brian Terry did they and we did not tell Mex co.

The defense of Wide Receiver comes even though Internal Department of Justice e-mails confirmed Wide Receiver involved the controversial tactic of letting guns "walk."

La Jeunesse is simply wrong that "there was no attempt to stop" Fast and Furious. In January indictments were issued for 20 Fast and Furious suspects. La Jeunesse suggests this just this was only in reaction to the murder of border agent Brian Terry, which were brought considerable attention to Fast and Furious after it was revealed that 2 guns associated with the operation were found at the murder scene. But recently disclosed e-mails show that before Terry was murdered, prosecutors had already planned to issue indictments within weeks.

In the e-mail written on December 14, 2010 at 1:21 p.m., Patrick Cunningham, chief of the criminal division for the Arizona U.S. Attorney's Office, asks if the indictments of Fast and Furious suspects were still planned for January 6 and 7, indicating previous plans to make arrests in the case. Terry was murdered that evening.

ATF whistleblowers involved with Fast and Furious have suggested that similar indictments could have been issued much earlier, but that doesn't mean there was no never any intention to indict the suspects in Fast and Furious.

Further, while La Jeunesse mentions Wide Receiver ended he fails note that prosecutors at that time let indictments languish.

Under the Obama administration prosecutors reviewed the case and issued indictments. 6 Wide Receiver suspects have already plead guilty suggesting that prosecutors during the Bush administration made a serious error.

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Matthew Gertz  
Deputy Research Director

## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Friday, November 11, 2011 11:39 AM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Fox News Asks "Is Fast and Furious An Act Of Treason?"

So this happened...

<http://mediamatters.org/blog/201111110005>

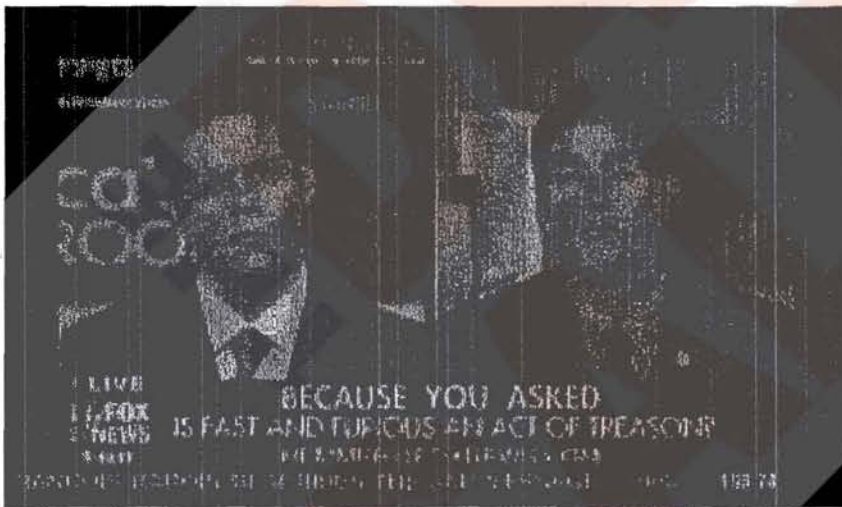
### Fox News Asks "Is Fast and Furious An Act Of Treason?"

November 11, 2011 11:33 am ET by Chris Brown

In the latest example of their conspiratorial and irresponsible coverage of the topic, this morning Fox News asked whether the failed Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Fast and Furious operation was "an act of treason." Fox offered no evaluation of their immensely serious and factually unsupported suggestion that American law enforcement officials were possibly guilty of conspiring against the country.

On *America's Newsroom*, Fox "straight news" anchor Bill Hemmer read a viewer's question about whether Fast and Furious "constitute[s] a treasonous act." He then asked Rep. Paul Gosar (R-AZ), "is this treason, what's the definition?" Gosar declined to define or make any assessment on the matter, saying only "we're trying to get all the facts on this" before explaining the actions Congress can take to remove government officials. Hemmer then moved on to Gosar's efforts to get Attorney General Eric Holder to resign.

During the segment, Fox aired a caption which asked, "Is Fast And Furious An Act Of Treason?"



Merriam-Webster defines treason as follows:

The offense of attempting by overt acts to overthrow the government of the state to which the offender owes allegiance or to kill or personally injure the sovereign or the sovereign's family.

There is simply nothing that suggests that the mistakes in Fast and Furious were part of any effort to overthrow the government or do anything similar. Any suggestion otherwise is grossly irresponsible.

A joint staff report prepared for House Oversight Committee chairman Rep. Darrell Issa (R-CA) and Sen. Chuck Grassley (R-IA) stated that the goal of Operation Fast and Furious was to "identify other members of a trafficking network and build a large, complex conspiracy case."

From the report:



In the fall of 2009, the Department of Justice (DOJ) developed a risky new strategy to combat gun trafficking along the Southwest Border. The new strategy directed federal law enforcement to shift its focus away from seizing firearms from criminals as soon as possible -- and to focus instead on identifying members of trafficking networks. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) implemented that strategy using a reckless investigative technique that street agents call "gunwalking." ATF's Phoenix Field Division began allowing suspects to walk away with illegally purchased guns. The purpose was to wait and watch, in the hope that law enforcement could identify other members of a trafficking network and build a large, complex conspiracy case.

[...]

The operation's goal was to establish a nexus between straw purchasers of assault-style weapons in the United States and Mexican drug-trafficking organizations (DTOs) operating on both sides of the United States-Mexico border. Straw purchasers are individuals who are legally entitled to purchase firearms for themselves, but who unlawfully purchase weapons with the intent to transfer them into the hands of DTOs or other criminals. [Joint Staff Report on The Department Of Justice's Operation Fast And Furious: Accounts Of ATF Agents, 6/14/11]

Tags: Guns, Operation Fast and Furious

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## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Tuesday, November 29, 2011 5:10 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Holder Is Right: Daily Caller Is "Behind" GOP Calls For His Resignation

FYI...

<http://mediamatters.org/blog/201111290015>

## Holder Is Right: *Daily Caller* Is "Behind" GOP Calls For His Resignation

November 29, 2011 5:07 pm ET by Matt Gertz

The *Daily Caller's* attempt to pass out pitchforks to GOP members of Congress and send them after Attorney General Eric Holder has now been called out by the target himself.

TPM's Ryan J. Reilly reports:

Attorney General Eric Holder on Tuesday told a reporter with the conservative news website The Daily Caller that the news organization was ginning up calls for him to resign over ATF's botched Operation Fast and Furious.

The reporter approached Holder after an event at the White House on the federal government's efforts to combat counterfeit goods.

"You guys need to... you guys need to stop this," TPM heard Holder tell the reporter. "There's not a damn thing happening, you guys are behind this."

Holder was referencing Daily Caller reporter Matthew Boyle's month-long quest to find relatively low-ranking Republican members of Congress interested in taking a free shot at the Obama administration by calling for Holder's resignation. The putative rationale for these calls is the ATF's failed Operation Fast and Furious; no evidence has been revealed indicating that Holder know about the controversial tactics used in that operation.

You may remember Boyle from his public humiliation over a ludicrously false September report that the Environmental Protection Agency wants to hire "230,000 new bureaucrats -- at a cost of \$21 billion -- to attempt to implement" new climate change regulations." Boyle's colleagues were reportedly embarrassed by the decision by DC executive editor David Martosko -- who has a long record in conservative political advocacy but none in journalism -- to stand behind Boyle's reporting.

At most publications, a misstep of this magnitude would have consequences. But at the *Caller*, it's more of a feature than a bug. And so Boyle has apparently spent much of the last month calling around to Republican politicians and asking them whether they think Holder should resign. That's creating a story, not reporting one.

And of course, since Boyle is a hack, the tone of these stories indicates a steady drumbeat of doom. One of his first stories in the series, in which he found four spokespeople for GOP members willing to commit their bosses to Boyle's cause, declared that this indicated that Holder's "tenure in the Obama administration may be coming to an end" as "resignation calls double overnight."



Since that October 28 piece, Boyle has written no fewer than 23 articles which reference calls for Holder's resignation in the headline. He has found newsworthy comments from a single obscure member of Congress, from Republican presidential candidates, from Sarah Palin, from a "possible" Republican Senate primary challenger, and from the president of the NRA, among others.

The stories feature even-handed headlines such as:

- Perry won't call for Holder's resignation, but finally takes a slight stab at Fast and Furious
- As Holder enjoys taxpayer-funded Caribbean junket, 10 percent of House members demand his resignation
- White House, DOJ silent as 34 members of Congress call for Holder's resignation

And Boyle isn't taking "no comment" for an answer. Here's his take on the GOP presidential candidates:

Former Pennsylvania Sen. Rick Santorum and former Massachusetts Gov. Mitt Romney have each made somewhat veiled calls for Holder's resignation. Businessman Herman Cain said he backs the members of Congress pushing for Holder to step down. [NOTE: all of these statements came in response to questioning from *Daily Caller* reporters]

Texas Rep. Ron Paul and former Speaker of the House Newt Gingrich have not responded to requests from TheDC regarding where they stand on the issue. Romney's campaign has refused to answer whether he thinks Holder should resign immediately. Santorum's campaign hasn't answered follow-up questions.

Either Boyle himself has been covering an awful lot of ground on this story, or his fellow Caller reporters have joined in on the fun and he's just been writing up the stories. Either way, Holder is right: This isn't a grassroots movement of conservatives calling for Holder to step down, it's a concerted effort by a supposed media organization to push him out.

Tags: The Daily Caller, Matthew Boyle, Guns, Operation Fast and Furious

## Schmalzer, Tracy (OPA)

**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Thursday, December 01, 2011 9:02 AM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Right Wing Accidentally Adds Beyoncé And 3,000 More To Gunwalker Conspiracy

## Right Wing Accidentally Adds Beyoncé And 3,000 More To Gunwalker Conspiracy

December 01, 2011 8:54 am ET by Chris Brown

"RED ALERT: Deputy A.G. behind 'Fast and Furious' met with President Obama four times during the height of the operation" read the headline to a post in Doug Ross's *DirectorBlue* blog on Monday. The post then proceeds to weave a narrative suggesting President Obama was repeatedly meeting with a Department of Justice official "keenly aware" of the failed ATF operation Fast and Furious at "the height" of the operation.

Sipsy Steel Irregulars conspiracist Mike Vanderbough, quickly picked up Ross' post, asking "Well, well, well. What do you know about this, Mr. President?" Surely the intrepid journalists at *Daily Caller* cannot be far behind.

As underwhelming as it is to establish that a series of "meetings" happened without a bit of information about what was discussed, Ross doesn't even get the facts straight on that. A closer look -- scrolling right -- at the White House Visitor Records data Ross is citing strongly suggests he's established nothing more than Grindler's attendance at speeches and events at the White House where between one hundred and several thousand other people were present. Looks like it's time to cancel the draft impeachment articles.

Ross' big find is that Deputy Attorney General Gary Grindler is listed in the White House visitor log records that were recently released as having visited Obama -- "POTUS" -- four times. Grindler received a briefing on the failed ATF operation Fast and Furious and although the documents related to the briefing did not mention the controversial "gun walking" tactics and the Department of Justice has said the briefing did not include "the operational tactics that have since raised concerns" it was enough for Ross to posit that Grindler "was keenly aware of all aspects of Fast and Furious." Ross:

Item 3: Newly released White House Visitor Logs list Grindler as having visited the White House 40 times, but only four times with the President himself. All four meetings with the President occurred over a two-week period, between 7 May 2010 and 19 May 2010.

[...]

According to *The Los Angeles Times*, these dates just so happened to represent the run-up to "the height of [Operation] Fast and Furious":

Ross concludes: "So my question is this: What did President Obama know -- and when did he know it?"

Looking at the complete visitor log entries the whole thing falls apart instantly. The four meetings appear to actually be three visits to attend heavily-reported public or diplomatic events where many, many other people were present.

Here's how Ross presents the visitor log data:

	NAMELAST	NAMEFI	UN	APPT	MAC	APPT S	LastEntryDate	TERM	visiteo_no
1	GRINDLER	GARY	STARIX	5/9/10	13:08	5/10/10 7:0	5/9/10 13:08	DC	POTUS
2	GRINDLER	GARY	U04772	5/7/10	19:24	5/10/10 9:0	5/7/10 19:23	AD	POTUS
3	GRINDLER	GARY	U08187	5/12/10	19:40	5/10/10 20:	5/12/10 19:40	SL	POTUS
4	GRINDLER	GARY	U07979	5/10/10	11:00	5/10/10 7:0	5/10/10 11:00	LE	POTUS

All Ross had to do to disprove his theory was scroll to the right. Here's the same data set with several irrelevant columns removed and information on the number of attendees, meeting room, and event description included:



NAMELAST	NAMEFIRST	APP1_START_DATE	Total_People	size6_nameLast	MEETING_ROOM	Description
GRINDLER	GARY	5/19/10 7:00	3,275	POTUS	S GRINDLER	STATE ARRIVAL - MEXICO*
GRINDLER	GARY	5/19/10 8:00	224	POTUS	EAST ROOM	LARGE EVENT WITH POTUS AND CX
GRINDLER	GARY	5/19/10 20:00	127	POTUS	SOUTH LAMH	STATE DINNER RECEPTION
GRINDLER	GARY	5/19/10 7:00	3,262	POTUS	S GRINDLER	STATE ARRIVAL - MEXICO*

The three May 19 listings indicate that Grindler was one of President Obama's many guests for the widely attended events related to Mexican President Felipe Calderon's state visit, not any sort of briefing. Grindler is listed as an attendee of the Mexico State Dinner in a report by NBC Chicago.

The 3rd visit on May 10, 2010, is listed in the visitor logs as a "Large Event With POTUS and Community Leaders" that took place in the East Room. A large event to discuss Operation Fast and Furious? No, Grindler attended President Obama's announcement of Elena Kagan's nomination to the Supreme Court.

While the Grindler-Obama meeting smoking gun doesn't hold up to the slightest scrutiny, there's plenty of conspiracy fodder left for the truly committed. Maybe Grindler briefed Felipe Calderon? Why not Elena Kagan? All those mainstream media reporters covering those events? Beyoncé after her performance at the state dinner?

What did they know, when did they know it?

Tags: Doug Ross, Operation Fast and Furious, Mike Vanderboegh

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## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Tuesday, January 31, 2012 4:42 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Re: per our conversation ...

FYI:

### Rep. Issa Ties Himself In Fast And Furious Knots

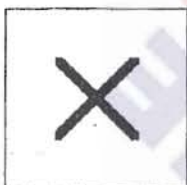
58 seconds ago — Matt Gertz

<http://politicalcorrection.org/blog/201201310006>

This morning, the Democratic staff of the House Oversight Committee released a report finding that the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) failed Operation Fast and Furious was initiated by the ATF's Phoenix Field Division as part of a strategy dating back to the Bush administration, and that there is no evidence that senior officials in the Obama Department of Justice authorized gunwalking in that case. On Fox News this morning, Oversight Chairman Darrell Issa (R-CA) tried to invalidate the report's conclusions with an avalanche of flawed logic and hypocrisy.

ISSA: They released this last night around midnight, but last Friday in the dump done by the Justice Department late on Friday in order to avoid any kind of real review over the weekend, what they showed was that Lanny Breuer, on the very day that we were being given a false statement, February 4, he was in Mexico lobbying for continuation of gunwalking. So, you know, if you just read the administration's dump, which of course they undoubtedly had ahead of time, they would have known that their whole report was based on a premise that was false. ... Three days after the Friday dump, the evidence given to us, finally, by the administration, goes even further. It shows that Lanny Breuer was still a believer in Fast and Furious and programs like it.

Watch:



Note Issa's very slippery use of the phrase "Fast and Furious and programs like it." He's using that turn of phrase because the documents in question don't show that Breuer knew anything about the flawed gunwalking techniques used in Fast and Furious itself. Instead, Issa is referring to a suggestion made by Breuer during a meeting with Mexican law enforcement officials about the possibility of a cross-border coordinated operation in which U.S. law enforcement would follow suspected straw purchasers to the Mexican border, where they would be arrested by Mexican officials and prosecuted for illegal possession of guns.

Curiously, Issa has previously explained how operations that involved coordination with Mexican authorities were "just the opposite" of Fast and Furious — when they occurred under the Bush administration.

During a December 8, 2011, hearing of the House Judiciary Committee, Issa explained how the Bush administration-era ATF operation Wide Receiver differed from Fast and Furious (via Nexis):

Fast and Furious began in November 2009. It was a new operation building on a failed operation under the previous administration. The difference in the previous administration is there was coordination with the Mexican government. They made a real effort under Wide Receiver to pass off a small amount of weapons and track them.

This program, just the opposite. Even knowing the drug cartels that were going to receive them, they simply allowed them to go to the stash-house.



Yet all of a sudden, a possible operation that involves such coordination is a "program like" Fast and Furious. It's almost like Issa has different sets of standards for Democratic and Republican administrations. Not surprising, given Issa's highly partisan tenure as head of the House Oversight Committee.

On Tue, Jan 31, 2012 at 12:18 PM, Schmalzer, Tracy (OPA) <[Tracy.Schmalzer@usdoj.gov](mailto:Tracy.Schmalzer@usdoj.gov)> wrote:

From House Judiciary Committee 12/8

REP. ISSA: Mr. Chairman, Fast and Furious began in November 2009. It was a new operation building on a failed operation under the previous administration. The difference in the previous administration is there was coordination with the Mexican government. They made a real effort under Wide Receiver to pass off a small amount of weapons and track them.

This program, just the opposite. Even knowing the drug cartels that were going to receive them, they simply allowed them to go to the stash house.

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Schmalzer, Tracy (OPA)

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From: Matt Gertz [mgertz@mediamattersaction.org]  
Sent: Wednesday, February 01, 2012 5:25 PM  
To: Schmalzer, Tracy (OPA)  
Subject: FYI

**<http://politicalcorrection.org/blog/201202010008>**

**<http://politicalcorrection.org/blog/201202010008>**

## Why Doesn't Rep. Issa Want Former ATF Chief Melson To Testify?

1 hour and 44 minutes ago — Matt Gertz



In a [letter](#) introducing the conclusions of the Oversight Committee's Democratic staff report on Operation Fast and Furious and other gunwalking operations conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since 2006, ranking member Elijah Cummings (D-MD) writes:

The Committee also rejected my request to hold a public hearing with Kenineth Melson, the former Acting Director of ATF, the agency primarily responsible for these operations. Although Committee staff conducted an interview with Mr. Melson, the public has not had an opportunity to hear his explanations for why these operations continued for so many years without adequate oversight from ATF headquarters.

If Oversight Chair Darrell Issa (R-CA) and his committee's Republicans really want to get to the bottom of why these flawed ATF operations were allowed to take place and who knew about and approved them, why wouldn't they want the ATF's former leader to testify?

Perhaps because it would give Melson a forum to publicly answer questions about one of the mysteries of the GOP's response to Fast and Furious: What were Republican congressmen told about the operation in a briefing Melson provided to them nearly two years ago, when the operation had already seen more than 1,000 firearms trafficked to Mexican drug cartels?



In June 2011, the *Washington Post* reported:

A chief Republican critic of a controversial U.S. anti-gun-trafficking operation was briefed on ATF's "Fast and Furious" program last year and did not express any opposition, sources familiar with the classified briefing said Tuesday.

Rep. Darrell Issa (Calif.), who has repeatedly called for top Justice Department officials to be held accountable for the now-defunct operation, was given highly specific information about it at an April 2010 briefing, the sources said. Members of his staff also attended the session, which Issa and two other Republican congressmen had requested.

Documents and an "official with knowledge of the meeting" who later spoke to Talking Points Memo indicate that Melson was the official who conducted the briefing.

In a statement to the *Post*, a spokesman for the Oversight Committee acknowledged that ATF had briefed the congressmen on "weapons smuggling by criminal cartels," but declined to discuss what Issa and his colleagues were told. The spokesman also attacked the Justice Department for making an "irresponsible and false accusation" that "Congress was in the know on the details of Fast and Furious."

In October, the same spokesman told Politico that "the briefing was broad ... my understanding is that Fast and Furious never came up by name in this briefing and certainly they had no discussion about the controversial tactics."

The *Post* cited a source's statement that the briefing had covered "how many guns had been bought by 'straw purchasers,' the types of guns and how much money had been spent." That is consistent with what *TPM* was told by their source. In fact, *TPM* obtained documents prepared for the briefing, which note that the straw purchasers under investigation in Fast and Furious had already purchased more than 1,300 firearms, including assault weapons.

As *Political Correction* has previously noted, those descriptions mirror the contents of weekly report memos to the Attorney General's office, which Issa and other Republicans have used to suggest that Attorney General Eric Holder and other senior Justice Department officials knew or should have known about the flawed techniques used in that operation.

If Melson were to appear before the committee, he would be able to testify as to what he told Issa and other Republicans about Fast and Furious. That could again expose the naked partisanship of their leadership of the Oversight Committee. Luckily for them, it seems that Melson will never have that opportunity.

## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Monday, March 12, 2012 11:56 AM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Re: FW: Fox News America's Newsroom- Segment on Tea Party pressuring Republican Leaders to take action on Fast and Furious (rough transcript)

Thanks.

On Mon, Mar 12, 2012 at 11:55 AM, Schmaler, Tracy (OPA) <Tracy.Schmaler@usdoj.gov> wrote:

You see this? completely false ... wide receiver and Hernandez put this to a lie. There's been lots of coverage on previous bush operations ...

### 10:15 am ET: Fox News America's Newsroom

Segment on Tea Party pressuring Republican Leaders to take action on Fast and Furious

VIDEO: <http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=7ac91593-1288-479a-b4f7-a77c3f84e1eb>

COLBY: the tea party is pressing outside republican, particularly the leaders to get more aggressive in probing fast and furious. that is the botched federal gun trafficking sting that put high-powered weapons in the hands of mexico's most dangerous criminals. the operation was tied to the murder of american border agent brian terry and countless victims in mexico, and now tea party activists are turning up the heat on republican leadership, claiming they should be more critical of the president and especially eric holder. justin phillips founder of tea party nation joining knee now. hi, judson, good to see you.

JUDSON PHILLIPS: hi, jaime, good morning.

COLBY: good morning to you. do you think anyone could argue either side, that this program led to the death of that agent was a disaster from the start, and basically that it should be investigated? do you think it's a partisan approach?

PHILLIPS: well, it should be investigated, but we also have to remember the program itself was a partisan program. this was never a law enforcement sting, as you described it earlier. this was purely a political operation. you send the guns down to mexico, therefore you support the political narrative that the obama administration wanted supported, that all these american guns are flooding mexico, they are the cause of violence in mexico and we need draconian gun control laws in america. because the whole operation itself was political, yes, by all means congress should be all over this.



COLBY: let me ask you first about the information. we were promised by the president, transparency. is there more information about the program that you feel we are not getting?

PHILLIPS: there is more information about the program that darrell issa who is sharing the oversight committee wants and he's not getting. when we have eric holder up there all we see is one constant stonewall. he does not want to share anything about the program, he doesn't want to give any details. the few times we get details about the program it's always coming out on a friday evening when it can do no damage to the administration. and i think there is a lot of questions that need to be asked -- a lot of questions that need to be answered, starting with how much did the attorney general know, and when did he know it? because apparently we're getting conflicting stories on this.

COLBY: he may say this he's responded, i don't know how you feel about how much more information we will actually learn. what do you want republican leaders to do about it, specifically?

PHILLIPS: I want them to get more aggressive on this and get more aggressive with the obama administration. we have john boehner who hauls up his freshly laundered white flag of surrender early and often. he's the one that a lot of tea party groups have been going after, along with eric cantor and kevin mccarthy for just kind of sitting there and that is really a pretty accurate story what my friend in washington tells me is that boehner, what he learned with the shut down is you never pick a president with the president. if you're not going to pick a fight with the president especially when you have an issue like this one, the fast and furious operation. if you're not going to pick a fight with the president when its something that is really, really important, what are you doing there?

COLBY: what about voters, how big and event of this for them.

PHILLIPS: its an issue a lot of people are looking at economics is going to dominate this fall's election. when the american public is looking at \$5 a gallon gas, looking at unemployment, the true numbers are into the double digits, economics is going to govern this election. fast and furious is probably going to be there, but economics is sucking all the oxygen out of the room, and with good cause because when you're worried about keeping your job and putting food on the table, as information as something like fast and furious is it's hard to devote a lot of time and attention to that when you're worried about your immediate future.

COLBY: we know the tea party is devoting time and it's great to hear it straight from you, judson. thanks for joining us.

Schmalzer, Tracy (OPA)

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From: Matt Gertz [mgertz@mediamatters.org]  
Sent: Monday, March 12, 2012 4:12 PM  
To: Schmalzer, Tracy (OPA)  
Subject: FYI

## **Fox Hosts Far-Right Extremist To Distort Fast and Furious**

March 12, 2012 4:05 pm ET by Chris Brown

This morning's edition of Fox News' *America's Newsroom* hosted Tea Party Nation founder Judson Phillips to discuss efforts by Tea Party leaders to pressure Republican congressional leadership regarding the ATF's failed Operation Fast and Furious.

*Media Matters* has previously noted that Phillips has a questionable claim to genuine Tea Party leadership and has made many inflammatory, conspiratorial and extremist statements that call into question the media's treatment of Phillips as either a mainstream or authoritative Tea Party figure.

Not surprisingly, Phillips spent the interview promoting the right-wing conspiracy theory that Fast and Furious was a plot to promote gun control instead of a failed law enforcement investigation. Phillips:

It [Fast and Furious] should be investigated, but we also have to remember the program itself was a partisan program. This was never a law enforcement sting as you described it earlier, this was purely a political operation. You send the guns down to Mexico, therefore you support the political narrative that the Obama administration wanted supported; that all these American guns are flooding Mexico, that they're the cause of the violence in Mexico and therefore we need draconian gun control laws here in America. So because the whole operation itself was political, yes by all means Congress should be all over this.

The suggestion that Fast and Furious was a gun control plot became a central talking point for the gun lobby last year and Fox News has been glad to help promote the conspiracy theory in spite of a report by House Oversight Committee chairman Rep. Darrell Issa (R-CA) and Sen. Chuck Grassley (R-IA) saying the purpose of Fast and Furious was to "identify other members of a trafficking network and build a large, complex conspiracy case."

Further, Phillips refers to Fast and Furious as a "partisan program" despite the fact that Bush-era investigations featured similar 'gun walking' tactics as those used in Fast and Furious.

Phillips and Tea Party Nation have generated an expansive list of inflammatory statements. *Media Matters* reported last July:

- Tea Party Nation sent an email in support of a candidate running against Rep. Keith Ellison. One of the reasons Ellison should be retired, according to the email, is that "He is the only Muslim member of congress." Phillips later defended the statement: "I am not going to apologize because I'm bothered by a religion that says kill the infidel, especially when I am the infidel."
- Phillips agreed that the Founding Fathers' limiting of voting rights to property owners was a "wise idea."



- Phillips claimed that Obama received campaign contributions from Hamas, adding, "So where does a corrupt, unpopular President from the party of treason go for reelection cash? China, of course."
- A Tea Party Nation email warned that "The White Anglo-Saxon Protestant (WASP) population in America is headed for extinction and with it our economy, well-being and survival as a uniquely America culture."
- Phillips claimed that "Obama and his regime are not real Americans."
- Phillips repeated what he called a "very believable" story that "the Obama regime ... spent the forty-eight hours prior to the raid" that killed Osama bin Laden "trying to stop it from taking place."
- Phillips asserted that Obama "released a forged birth certificate" and defended birther lawyer Orly Taitz, who "deserve[s] a place among the great lawyers of this country, who fought incredible odds to win justice."
- Phillips called the gay-rights movement part of the "liberal freak show" criticizing Michele Bachmann, adding that "[m]ost Americans do not believe homosexuality (which is only 1-3% of the population) is a good thing, though most Americans are tolerant of most things."
- Phillips said regarding Rep. Barney Frank: "With the repeal of Don't Ask, Don't Tell, maybe DOD needs to send Frank a new 'friend' and the DOD budget will do better."

Tags: Guns, Justice Department, Operation Fast and Furious, National Rifle Association

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 Matthew Gertz  
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## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Monday, March 19, 2012 8:50 AM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Right-Wing Media Uncover Holder's Plot To Discourage Lawbreaking

FYI

<http://mediamatters.org/blog/201203180001>

### Right-Wing Media Uncover Holder's Plot To Discourage Lawbreaking

March 19, 2012 6:00 am ET by Matt Gertz

The Breitbart empire isn't letting the massive humiliation following this month's Hug-gate manufactured controversy discourage them from further "vetting" of President Obama and his administration. In their latest effort, they've discovered that as U.S. Attorney for the District of Columbia nearly 20 years ago, now-Attorney General Eric Holder publicly discussed a campaign to... wait for it... encourage people in that city not to break the law.

The premise of these Breitbart.com "vetting" pieces is that decades-old comments and connections of Obama and his advisers somehow tell us more about their agenda than what they have actually done in office. Gun violence prevention is a particularly ripe area for this effort: conservatives have desperately tried to maintain their fiction that the Obama administration is on the verge of a confiscatory gun crackdown, even as the White House makes little effort to push for even the mildest gun control legislation.

Thus, as Breitbart.com editor-in-chief Joel Pollak breathlessly explains:

Breitbart.com has uncovered video from 1995 of then-U.S. Attorney Eric Holder announcing a public campaign to "really brainwash people into thinking about guns in a vastly different way."

Holder was addressing the Woman's National Democratic Club. In his remarks, broadcast by CSPAN 2, he explained that he intended to use anti-smoking campaigns as his model to "change the hearts and minds of people in Washington, DC" about guns.

Pollak goes on to write that in his speech, Holder said that he wanted a campaign involving television ads and celebrities to convince young people in D.C. that it is "not cool, that it's not acceptable, it's not hip to carry a gun anymore." The implication from Pollak -- and the other right-wing media outlets now picking up on his post -- is that this is evidence that Holder is virulently anti-gun. Some are even echoing right-wing conspiracies to bizarrely link the video to the ATF's failed Operation Fast and Furious.

What the right-wing media never get around to mentioning is that in 1995, when Holder gave the speech, *it was illegal to possess a handgun in Washington D.C.*

In other words, in calling for efforts to teach young people that "it's not hip to carry a gun anymore," Holder, the chief prosecutor for the District of Columbia, was discussing a campaign to encourage citizens of his jurisdiction *not to break the law*.

What a bombshell!

As Holder indicated at the beginning of his speech (the full version of which is posted on [c-span.org](http://c-span.org)), the office of U.S. Attorney for the District of Columbia is "charged with the responsibility of enforcing not only federal law, as all U.S. Attorneys Offices are in the country," but also "enforcing the local law here in the District of Columbia." He explains: "I am in essence the D.A. [district attorney] as well as the United States Attorney."

As such, Holder was responsible for enforcing the Firearms Control Regulations Act of 1975, the D.C. statute that banned the possession of handguns in the district. It's not particularly surprising to learn that as the person responsible for prosecutions under that law, he supported efforts to encourage D.C. residents not to violate it: (The Supreme Court later overturned D.C.'s handgun ban in 2008.)

Breitbart.com's editors are either ignorant of the facts, or are simply more interested in trying to smear Obama and Holder.



The rest of the right-wing media seems to be following their lead in attacking the Attorney General of the United States for past efforts to prevent illegal activity. The Drudge Report, Glenn Beck's The Blaze website, and smaller right-wing and gun activist blogs have picked up the story. And when there's an attempt to smear Holder, you can always count on the *Daily Caller* to play along.

Tags: The Daily Caller, The Blaze, Breitbart.com, Joel Pollak

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Matthew Gertz  
Deputy Research Director  
*Media Matters for America*  
202.772.8153

THE DAILY CALLER

## Schmalzer, Tracy (OPA)

**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Monday, March 19, 2012 10:15 AM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** Re: Right-Wing Media Uncover Holder's Plot To Discourage Lawbreaking

**UPDATE:** On Fox News' *America's Newsroom* this morning, anchor Bill Hemmer aired a brief clip of the video, then said: "That comment about guns, will imagine a lot of reaction from Second Amendment hawks. Will it fuel the calls for Holder to resign? More details on that soon."

Hemmer did not acknowledge that guns were illegal in D.C. in 1995 -- indeed, he did not even bother to point out that when Holder made those comments, he was U.S. Attorney for the district. Apparently encouraging young people in your jurisdiction to follow the law now disqualifies you from law enforcement work.

Pollak's story has also been posted to Fox Nation.

On Mon, Mar 19, 2012 at 8:49 AM, Matt Gertz <mgertz@mediamatters.org> wrote:  
FYI

<http://mediamatters.org/blog/201203180001>

### Right-Wing Media Uncover Holder's Plot To Discourage Lawbreaking

March 19, 2012 6:00 am ET by Matt Gertz

The Breitbart empire isn't letting the massive humiliation following this month's Hug-gate manufactured controversy discourage them from further "vetting" of President Obama and his administration. In their latest effort, they've discovered that as U.S. Attorney for the District of Columbia nearly 20 years ago, now-Attorney General Eric Holder publicly discussed a campaign to... wait for it... encourage people in that city not to break the law.

The premise of these Breitbart.com "vetting" pieces is that decades-old comments and connections of Obama and his advisers somehow tell us more about their agenda than what they have actually done in office. Gun violence prevention is a particularly ripe area for this effort: conservatives have desperately tried to maintain their fiction that the Obama administration is on the verge of a confiscatory gun crackdown, even as the White House makes little effort to push for even the mildest gun control legislation.

Duplicate Record

Thus, as Breitbart.com editor-in-chief Joel Pollak breathlessly explains:

Breitbart.com has uncovered video from 1995 of then-U.S. Attorney Eric Holder announcing a public campaign to "really brainwash people into thinking about guns in a vastly different way."

Holder was addressing the Woman's National Democratic Club. In his remarks, broadcast by CSPAN 2, he explained that he intended to use anti-smoking campaigns as his model to "change the hearts and minds of people in Washington, DC" about guns.

Pollak goes on to write that in his speech, Holder said that he wanted a campaign involving television ads and celebrities to convince young people in D.C. that it is "not cool, that it's not acceptable, it's not hip to carry a gun anymore." The implication from Pollak -- and the other right-wing media outlets now picking up on his post -- is that this is evidence that Holder is virulently anti-gun. Some are even echoing right-wing conspiracies to bizarrely link the video to the ATF's failed Operation Fast and Furious.

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Tags: The Daily Caller, The Blaze, Breitbart.com, Joel Pollak

Duplicate Record

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## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Monday, March 19, 2012 5:27 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** 17-Year-Old Speech Latest Pretext To Link Holder, Fast And Furious

Follow-up...

<http://mediamatters.org/blog/201203190012>

## 17-Year-Old Speech Latest Pretext To Link Holder, Fast And Furious

March 19, 2012 5:23 pm ET by Chris Brown

Another chapter in the right-wing media's campaign against Attorney General Eric Holder was launched yesterday as they attacked Holder's efforts to discourage people from violating the District Of Columbia's gun laws as detailed in a speech Holder gave in 1995. Not surprisingly the 17-year-old speech about trying to convince young men not to illegally carry guns instantly became the latest excuse to use the ATF's failed Operation Fast and Furious to attack Holder.

Following Breitbart.com's release of a short portion of Holder's speech, Glenn Beck's *The Blaze*, *The Daily Caller* and Breitbart.com's own Mary Chastain all pushed the highly tenuous connection to Operation Fast and Furious. As *Media Matters* noted this morning, Holder's speech addressed his role of U.S. Attorney for the District of Columbia and efforts to teach young people in the city that "it's not hip to carry a gun anymore," an action that was illegal in the District Of Columbia at the time.

*The Blaze* opened with the suggestion that "New video of Eric Holder from 1995 has surfaced, and it may put 'Fast and Furious' in a much broader perspective." *The Daily Caller* similarly suggested a connection saying "The revelation that Holder wanted to 'brainwash' people into being 'anti-gun' appears to be supported by what Congress and the American people have learned about Operation Fast and Furious." Breitbart.com's Chastain asserted that Fast and Furious was about providing Holder with "material" for the "anti-gun curriculum" described in this 1995 speech.

Despite a tremendous amount of hand waving, these attacks fail to personally link Holder to the initiation or approval of the controversial tactics used in Fast and Furious. As accurately noted by Charlie Savage in his December *New York Times* profile of Holder, "no documents or testimony" have disproved Holder's statement that he didn't know about Fast and Furious as it was underway.

Further, Bush-era investigations featured similar 'gun walking' tactics as those used in Fast and Furious. Rather than suggesting those investigations were gun control plots, Fox News and right-wing media outlets rushed to defend the Bush-era programs. The Democratic staff of the House Oversight Committee released a report in January documenting the three similar operations conducted under the Bush administration out of the ATF's Arizona offices.

Neither the Bush-era gun walking investigations or the dearth of evidence regarding Holder's purported connections to the tactics used in Fast and Furious have slowed down the right-wing media's increasingly nonsensical attacks against Holder.

Tags: Eric Holder, The Daily Caller, The Blaze, Guns, Justice Department, Operation Fast and Furious, Breitbart.com

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Matthew Gertz  
Deputy Research Director  
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202.772.8153



**Schmaler, Tracy (OPA)**

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Tuesday, March 20, 2012 2:31 PM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Re: Tomorrow

Got blocks between 10:30 and noon and between 2 and 4.

On Tue, Mar 20, 2012 at 2:20 PM, Schmaler, Tracy (OPA) <Tracy.Schmaler@usdoj.gov> wrote:  
Got time for a call?

--  
Matthew Gertz  
Deputy Research Director  
*Media Matters for America*  
202.772.8153

## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Tuesday, April 17, 2012 2:05 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** RE: see this?

Yup, thanks.

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**From:** Schmalzer, Tracy (OPA) [mailto:Tracy.Schmalzer@usdoj.gov]  
**Sent:** Tuesday, April 17, 2012 1:45 PM  
**To:** 'Matt Gertz'  
**Subject:** see this?

*Cong. Darrell Issa – NRA Convention*  
**April 13, 2012**

Thank you. Following my leader and classmate coming to congress in 2000, Eric Cantor, needless to say is a tough act to follow. But when he mentioned that the 1992 riot, I'm a San Diegan. I lived through it. I watched the Circuit City store that didn't have a small merchant on the roof be looted. I watched it when law enforcement was unable to take care of the need of the people of Los Angeles. That was a failure of law enforcement. But what I'm going to tell you about is a failure of law enforcement's leaders, of political leaders that we count on. I come here today to deliver you but a single message; the investigation of operation fast and furious will not end until the full truth is exposed to every American. And that -- [applause] and that the senior officials at the Department of Justice are held appropriately accountable and, yes, that includes Eric Holder. [Applause]

When I became chairman of the House Oversight and Government Reform Committee, I knew what to expect. My job is in fact to be the chief investigator of the Congress, the chief investigator in the Congress to investigate the administration's wrongdoings, to look for it and to root it out. Vigorous oversight was the requirement of the job of accepted. What I did not know but I now know is that the left wing in the Obama administration and supporting it would gear up -- the administration would gear up with lawyers rather than accountants so they could give non-answers rather than real answers.

And the outside media would attack the credibility of me, my committee officials, and those who support us, but in fact, because of courageous patriots like you here today, it has failed. Because of people like you who insist that the truth be known and support us every minute along the way, they have not succeeded in silencing our committee or even Senator Grassley's minority position in the Senate, and for that, I thank you. [Applause]

Like you, I believe the checks and balances that our founding fathers enshrined in the Constitution are critical to our liberty. I believe Congress is constitutionally mandated and we have a duty to enforce all of our laws against -- I'm sorry, all of our laws that the executive branch is required to enforce and enforce them fairly. The fact is the executive branch under this president, has done, as we said in the 1960's, has done its own thing. They have been wasteful at a level we never expected. They have been disingenuous in their answers. They have in fact ignored the exactly what this president promised not to ignore.

Remember, this president ideally was going to be the president of our dreams because he promised that we would have the most open and transparent government ever and that he would embrace the reforms that our committee is required and constitutionally mandated to do.



Unfortunately, our oversight efforts have met a president and his administration that is hostile to us and that in fact will not even answer subpoenas with answers but rather with silence.

President Obama has launched an unprecedented attack on the constitution. We have already seen his blatant disregard for the first amendment, effectively trampling on freedom of religion. We have seen it with Obamacare, his poster child for government overreach that at this moment is before the men and women of the Supreme Court. I myself have been able to see him insult the justices while I sat there on able to say anything on the House floor where the president was an invited guest of the Congress, as were the justices. so it should come as no surprise to us that the president then would further charter ridiculed the court by interpreting as a professor that they had no such right to reach this decision or that decision.

With that attitude by the chief executive, if he is given four more years, do you have any doubts what kind of decisions the court would make?

When the facts began to come out about Fast and Furious, and no surprise -- democrats in Washington -- not around the country, but in Washington -- immediately seized on the opportunity to talk about the need for additional gun control laws. It comes as no surprise to me because I hear it every day, but the American people and all of you in this room must scratch your head. What possible justification would come for more gun control when in fact existing laws were thwarted? Existing laws were essentially not just ignored but overwritten.

Understand that federally licensed gun dealers warned agents about wrongdoers, expressed their concerns, and were ordered to sell anyway. You might be surprised and say it has to be hard to follow 2000 weapons that literally walk over the border, and you would be right, except it was not 2000 weapons. 1400 of those weapons left with but four buyers. They are not hard to follow. In fact, political appointees were ordered -- ordered the ATF and the rest of the team to let them walk. it comes as a surprise to me because every ATF agent, every FBI agent, even secret service agents I have had an opportunity to speak to have all said they would never do that. Yet, in Operation Fast and Furious, they did that. The Mexican government has reported to us that at least 200 of their citizens have been killed with the weapons that were allowed to walk as a result of fast and furious.

These deaths on top of Border Patrol Agent Brian Terry's tragic death were, in fact, anticipatable, and preventable. When I was able to partner with Senator Grassley in the investigation, I was given the opportunity because we in 2010 were honored by the voters to be in the majority, and Senator Grassley had written just a letter asking for more details of an administration that had promised to be open and transparent. He was rebuffed because he was in the minority and did not have subpoena power. He came to me, and I agreed to help. At the time, I thought it would last but a few days, maybe a few weeks. We could not have imagined that the administration would deliver to us a document and live testimony that was in fact an outright lie. We could not imagine that a department with stonewall us all along the way. we could not imagine that they would say that they never let guns walk when in fact the few e-mails some 7000 out of 80,000 documents known to exist, made it clear that fast and furious was an organized program from the start designed to walk guns into the hands of the drug cartels in Mexico.

These questionable tactics cannot be explained. When I come to you here today, I do not come here to explain how in fact this came to be. I will rely on you to understand that if there is no explanation that makes good sense, it can only be an explanation that makes the sense of ulterior motives of unthinkable proportions. That is our job, to get to the bottom of it, and I promise you we will. [Applause]

We know for one thing that people should be held responsible who sit in the office of Attorney General Eric Holder. And let me make one thing perfectly clear -- Eric Holder's contempt for congress and his failure to comply will not go unanswered. [Applause]



And you can count on me. Many will say in the weeks to come that in fact, this is now a political season. All of you know that we have asked and worked diligently to get this concluded long before the political season. So the question is -- as they continue to stonewall, am I not doing the American people's greatest justice to bring this to a quick closure in the next few weeks? And that is what I promise you I will do. [Applause]

The Department of Justice believes that it gets to decide what congress gets or does not get. in the next few weeks, we will come to a conclusion of deciding whether in fact the constitution -- it's compelling of us to do oversight is our decision or is an unelected bureaucrat such as Attorney General Eric Holder. Many will say this is a witch hunt. I will tell you, Brian Terry's family has told me just the opposite. They have told me that they cannot believe they cannot get their answers about this. They cannot believe that a family dedicated to law enforcement cannot in fact get the truth from his own country.

Jaime Zapata, an agent not so often talked about killed in Mexico with weapons not of Fast and Furious but that knowingly should not have been in the hands of the drug cartel they're either gets even less answers. I commit to you today I will not quit until both families get the answers they deserve. [Applause]

I pledge you today I will not stop investigating the waste, fraud, and abuse in government ever, but most importantly, our constitutional liberties must be defended first and foremost. Fast and Furious can be seen as nothing else but in fact a needless attack on our right to keep and bear arms because, as you promote the lawlessness with weapons knowingly, you can reach no conclusion but that the American people will be asked again and again to give up their right to keep and bear arms because lawless individuals are using weapons illegotten. I will never, never give up my right to keep and bear arms and I will never failed to hold those accountable who would try to take hours away.

Thank you and God bless. [Applause]



## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Thursday, April 19, 2012 5:01 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** icymi - Fast And Fallacious: Pavlich's Book On ATF Operation Filled With Falsehoods

<http://mediamatters.org/research/201204190011>

## Fast And Fallacious: Pavlich's Book On ATF Operation Filled With Falsehoods

1 minute ago — [0 Comments](#)

In her new book, *Fast and Furious: Barack Obama's Bloodiest Scandal and its Shameless Cover-up*, Townhall news editor Katie Pavlich offers up a number of false and misleading claims about the ATF's fatally flawed Operation Fast and Furious. In doing so Pavlich baselessly suggests that high-ranking Justice Department officials were aware of that operation's use of the tactic of gunwalking, in which agents knowingly allowed guns to be trafficked across the border to Mexico in order to identify other members of a trafficking network.

**Pavlich Dubiously Played Up Importance Of Holder's "Brief[ings]" On Fast And Furious**

**Pavlich Falsely Claimed AAG Breuer Admitted Knowing Gunwalking Tactics Were Used In Fast And Furious**

**Pavlich Misleadingly Highlighted Briefings On Operation Received By DOJ's Grindler**

**Pavlich's Citation Disproves Her Claim That AAG Breuer "Carefully Review[ed]" Letter To Grassley**

**Pavlich Falsely Claimed Former ATF Chief Melson Said A "Smoking Gun" Report Detailed DOJ Leaders Who Approved Fast And Furious Tactics**

**Pavlich Falsely Claimed ATF Agents Who Headed Fast And Furious Were "Promot[ed]"**

**Pavlich Falsely Claims "Liberal Media" Called The Fast And Furious Story A "Conspiracy Theor[y]"**

**Pavlich Falsely Claimed Holder Said School Massacres Proved Second Amendment Should Be Read As Collective Right**

**Pavlich Falsely Claimed Part Of Wildlife Refuge Was Closed By Obama Administration**

## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Thursday, May 03, 2012 4:25 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** FYI: When Fox Didn't Care About Contempt Citations

<http://mediamatters.org/blog/201205030005>

### When Fox Didn't Care About Contempt Citations

May 03, 2012 2:33 pm ET by Matt Gertz

This morning, the House Oversight and Government Reform Committee announced that Chairman Derrell Issa (R-CA) "has distributed a staff briefing paper and draft of the contempt of Congress resolution against Attorney General Eric Holder to Members of the Oversight Committee" due to the Justice Department's refusal to provide documents the Committee subpoenaed concerning the ATF's botched Operation Fast and Furious. Fox News has since run several segments on the potential contempt citation, in one case issuing a "Fox News Alert" about the "bombshell developments" in the "big story" before conducting an extensive interview with Issa himself.

Given that Fox's *The O'Reilly Factor* and *On The Record* each ran segments on reports that such a citation had been drafted on Friday, this coverage is likely to continue. By contrast, the network's primetime lineup provided minimal coverage in 2007, when then-House Judiciary Committee Chairman John Conyers (D-MI) sought and received contempt citations against two senior aides to President Bush. The network devoted less than nine minutes of time to the story during its evening lineup.\*

The eight minutes and fifty-six seconds of coverage the network provided regarding the House Judiciary Committee's citation of then-White House Chief of Staff Joshua Bolten and former White House Counsel Harriet Miers for contempt of Congress consisted of one news segment, two news briefs, and one panel discussion -- all on *Special Report*. Right-wing Fox hosts like John Gibson, Sean Hannity, and Bill O'Reilly did not weigh in on the story.

These instances are not perfectly analogous, but each involves contempt charges against senior administration officials whom a powerful committee chair of the other party alleged had failed to provide information to Congress that the chair believed Congress was entitled.

On June 13, 2007, the House Judiciary Committee issued subpoenas demanding documents from the White House and testimony from Miers with regard to the U.S. Attorneys scandal. On June 28, 2007, White House counsel Fred Fielding told the committee that the White House would not provide the documents, citing executive privilege, and stated that the president objected to Miers testifying for the same reason. In a second letter sent July 10, 2007, Fielding reiterated that President Bush would assert executive privilege in denying Congress the documents and said that the president had instructed Miers not to testify. Miers did not appear before the committee for its scheduled July 12, 2007, hearing.

On July 25, 2007, the House Judiciary Committee voted along party lines to cite Bolten and Miers for contempt of Congress (Bolten was cited due to the White House's refusal to provide subpoenaed documents). Conyers explained: "If we countenance a process where our subpoenas can be readily ignored, where a witness under a duly authorized subpoena doesn't even have to bother to show up, where privilege can be asserted on the thinnest basis and in the broadest possible manner, then we've already lost... We won't be able to get anybody in front of this committee or any other."

The resolution distributed today by Issa to the Oversight Committee's members finds Holder in contempt of Congress due to his "refusal... to produce documents" to the committee "as directed by subpoena." In response, a Justice Department official told CBS News, "We've done twice-a-month (document) productions since last year, and the Attorney General has testified about this matter no less than seven times." The Justice Department has refused to provide some documents subpoenaed by the committee, stating that they relate to ongoing criminal investigations or are deliberative materials related to the Department's response to the Committee's investigation.

Media Matters previously documented that after Rep. Lamar Smith (R-TX), chairman of the House Judiciary Committee, called for a special counsel to investigate whether Attorney General Eric Holder perjured himself during testimony, Fox's primetime shows devoted 43 minutes of coverage to the story in the three days. By contrast, Fox devoted less than 12 minutes of coverage in their first three broadcasts after Senate Democrats called for a special counsel to review then-Attorney General Alberto Gonzales' testimony about President Bush's domestic surveillance program in 2007.

Tags: Fox News Channel, Guns, Operation Fast and Furious



**Schmaler, Tracy (OPA)**

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Monday, May 07, 2012 12:08 PM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** Out Of The Office Re: FW: Tucson shooting hero raps Issa

Hello,

I am out of the office and unavailable through May 11. I will not be checking my emails. If your inquiry is pressing, please contact Tim Johnson ([tjohnson@mediamatters.org](mailto:tjohnson@mediamatters.org)), Ben Dimiero ([bdimiero@mediamatters.org](mailto:bdimiero@mediamatters.org)), or Simon Maloy ([smaloy@mediamatters.org](mailto:smaloy@mediamatters.org)).

Thanks,

Matt

--  
Matthew Gertz  
Deputy Research Director  
\*Media Matters for America\*  
202.772.8153

## Schmaler, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Friday, May 18, 2012 5:10 PM  
**To:** Schmaler, Tracy (OPA)  
**Subject:** FYI -- MMFA on F/F

Fast And Furious Conspiracy Theorist Katie Pavlich Doesn't Understand Separation Of Powers

What The Right Wing Media Won't Tell You About The Subpoenaed Fast And Furious Documents

Issa Report Again Debunks Right-Wing Media's Fast And Furious Conspiracy Theory

<http://mediamatters.org/blog/201205180022>

## Fast And Furious Conspiracy Theorist Katie Pavlich Doesn't Understand Separation Of Powers

May 18, 2012 5:06 pm ET by Timothy Johnson

During a May 18 appearance on Fox's *America's Newsroom*, conspiracy peddler Katie Pavlich made a number of far out claims concerning how the doctrine of separation of power relates to the ongoing investigation of the ATF's failed Operation Fast and Furious by congressional Republicans.

As you may recall from high school civics class, separation of powers refers to the system of government we have in the United States where the authority of the federal government is divided among three co-equal branches. This equilibrium between branches of the federal government is maintained through the system of checks and balances established by the U.S. Constitution.

But in Pavlich's world, the legislative branch reigns supreme and the Department of Justice must supply any and all documents requested by House Oversight Chairman Darrell Issa (R-CA) during his committee's investigation. This ridiculous theory would disrupt the system of checks and balances and is refuted by Congress' own research department and court precedent concerning the right of the Executive to withhold certain types of information.

KATIE PAVLICH, TOWNHALL NEWS EDITOR: Not to mention you have the Justice Department engaging in a full on cover-up, the latest in Eric Holder refusing to comply with a congressional subpoena, which they have the authority to issue and Justice Department has to comply with it under the terms of the Constitution. It's just another way of proving that they really have a lot to hide here.

[...]

BILL HEMMER, HOST: You also know there are tens of thousands of documents that have been given internally to an IG -- an inspector general -- why is that not sufficient? Explain that?

PAVLICH: Well the Inspector General actually worked for Eric Holder during his time as a U.S. Attorney in Washington D.C. so there is a conflict of interest there. And everything that the Inspector General is privy to,



Congress is also privy too, and the Justice Department investigating itself on this matter, they are willing to go to the lengths of covering it up internally.

[...]

PAVLICH: Speaker Boehner did push President Obama this week to tell his Attorney General to start complying and getting to the bottom of Fast and Furious. In fact, this investigation has been going on for more than a year now. We deserve answers. And President Obama, as the Commander in Chief, has a responsibility to tell his Attorney General, "Congress has the authority to subpoena you and you have to comply with that."

In the span of a few minutes, Pavlich butchered a number of basic principles concerning how our federal government operates. It was pointless of Pavlich to mention that the Department of Justice's inspector general used to work for Attorney General Eric Holder in order to suggest bias on his part, because the Department of Justice's inspector general also works for Holder presently. That is what (non-presidentially appointed) inspectors general do; they serve as politically independent individuals within government agencies for the purpose of conducting internal investigations. Furthermore, the president's responsibilities as Commander in Chief relate to command of the military, not the president's ability to oversee federal agencies as Pavlich suggested.

But the biggest error made by Pavlich -- one that she repeated three times during her appearance -- is that the Department of Justice must turn over every single document requested by the House Oversight Committee in order to be in compliance with Issa's subpoena.

The Justice Department strongly disputes this notion and in a May 15 letter indicated that the Department's view is that Issa's subpoena has been satisfied to the extent required by law. DOJ asserts that any documents responsive to Issa's subpoena that have not been turned over are protected from disclosure by executive privilege or the longtime DOJ policy across both Democratic and Republican administrations to bar release of information relating to ongoing law enforcement investigations.

But don't just take the Department of Justice's word for it, what about the conclusions of the non-partisan Congressional Research Service? In a 2001 report "Congress's think tank" stated:

The Constitution makes no specific reference to a presidential power to withhold documents from Congress, nor does it specifically recognize a congressional need for information to legislate. Yet it is now routine to consider both powers implied in the operation of the executive and legislative branches. Long before the Supreme Court acknowledged that fact the political branches had already reached a rough understanding and worked out accommodations. When these two implied powers collide, which should give way? No magic formula yields a ready and reliable answer, for too much depends on individual circumstances and political considerations.

This admission that information cannot be automatically compelled from the executive branch is especially significant because the report exists in order to provide tools to legislators seeking information from the executive branch during the course of an investigation.

Congressional Research Service is certainly not alone in suggesting that, as a co-equal branch of government, the legislative branch's power of investigation is not unchecked. As held in the Supreme Court case *Quinn v. United States*, Congress' "power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which Congress is forbidden to legislate. Similarly, the power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our Constitution to the Executive and the Judiciary."



Tags: Fox News Channel, Operation Fast and Furious, Katie Pavlich

<http://mediamatters.org/blog/201205170015>

## What The Right Wing Media Won't Tell You About The Subpoenaed Fast And Furious Documents

May 17, 2012 5:30 pm ET by Timothy Johnson

During the May 16 edition of *America's Newsroom*, Fox News "straight news" anchor Martha MacCallum and Fox News contributor and *The Daily Caller* editor Tucker Carlson echoed complaints from the Republican chaired House Oversight Committee about the documents the Justice Department has released responding to their subpoena of files related to the failed Fast and Furious operation:

TUCKER CARLSON, FOX NEWS CONTRIBUTOR: Well there were 22 questions in the last subpoena. 13 of them remain unanswered. The Justice Department hasn't forwarded documents that the House Oversight Committee has requested. And by the way some of those questions, that's the majority of questions, remain unanswered, some of them pertain directly to Attorney General Eric Holder. The Justice Department's position appears to be we can investigate this internally and so we don't need to comply with Congress. I think this is a collision course. Remember this subpoena was issued in October. It's been more than six months now and they have refused to comply. And they have not invoked executive privilege by the way. So it's not even clear on what grounds they are refusing to comply. I don't think there is any question, at least at this point, that there is going to be a contempt citation.

MARTHA MACCALLUM, HOST: Well we'll see. And it feels like stalling and feet dragging to a great extent on the part of the Department of Justice.

CARLSON: Right.

MACCALLUM: Because they are saying they can't fire anybody, they are doing their own investigation. That is going to take quite some time, most likely until after the election is over and that until they finish that investigation--snicker snicker--and until that investigation is over they feel it wouldn't be right to come out and talk about who they think knew more than they say they knew or exactly when Eric Holder became aware of this program that saw a law enforcement agent killed.

Carlson's comments echo the reporting of his employee, *Daily Caller* reporter Matthew Boyle, who has written numerous articles about Fast and Furious over the past few months. His pieces almost invariably include the line, "Holder has failed to comply with Issa's Oct. 12, 2011, subpoena," or some variation thereof and often include the claim that DOJ has been nonresponsive to 13 of the subpoena's 22 questions.

These reports minimize the fact that DOJ has released extensive and detailed information about what documents the agency has released to Issa. According to DOJ, responsive documents to 16 of the 22 questions contained in Issa's subpoena have been turned over to the House Oversight Committee or been made available for viewing by Oversight



Committee staff. DOJ has stated that no responsive information exists to one of the questions. Additionally, DOJ has stated it does possess documents responsive to the five remaining questions in the subpoena and additional documents responsive to the other categories, but that it is unable to release this material because it is either relevant to ongoing criminal investigations or prosecutions or is deliberative and therefore protected by executive privilege.

But Fox News and *The Daily Caller* would rather regurgitate Republican talking points than admit that there are two sides to this story.

The laziness of reporting on this topic is further evidenced by the numerous Fox network appearances made by Oversight Chairman Darrell Issa (R-CA) and his lieutenants Representatives Trey Gowdy (R-SC) and Jason Chaffetz (R-UT) over the past month. Many of these appearances have featured talking points nearly indistinguishable from those used by MacCallum, Carlson, and Boyle.

GOWDY: I think after a year, that's enough time. You wouldn't get a year to comply with a subpoena. I wouldn't get a year to comply with a jury summons. [*Lou Dobbs Tonight*, 5/15/2012]

ISSA: Clearly the Attorney General is failing to comply with the subpoena. He has said he is not going to comply with the subpoena. One of the frustrating parts of this is, the part he won't comply with the most is who is responsible for a Fast and Furious which he says is deeply flawed and yet nobody at [the Department of] Justice has been fired. [*On the Record With Greta Van Susteren*, 5/14/2012]

CHAFFETZ: Only handful of times in the history of the House have we had to go so far as to actually hold somebody in contempt of Congress. But a subpoena that was issued in October of 2011 has been totally ignored. There are 22 categories of documents that we're looking for. Twelve of those categories we've received zero documents. It's a very serious step. [*On the Record With Greta Van Susteren*, 4/30/2012]

The DOJ has strongly rebutted criticism of its delivery of documents pursuant to Issa's subpoena.

Deputy Attorney General James Cole wrote to Issa on May 15 in order to outline what he called the "extraordinary" effort of DOJ to comply with Issa's subpoena. The letter noted that a team of DOJ attorneys reviewed over 140,000 documents while searching for material responsive to Issa's subpoena. Cole wrote that DOJ complied with Issa's subpoena and has turned over all required documents:

The Committee's concerns about the Department's response to the October 11 subpoena appear predicated on a misunderstanding both of the extraordinary lengths to which the Department has gone to respond to the Committee's requests, and of the threat that disclosures of sensitive law enforcement information would pose to open criminal investigations and prosecutions. Furthermore, we believe that the core questions posed by the Committee about Operation Fast and Furious have been answered.

[...]

Because the Committee's review of this matter is focused on open criminal investigations and prosecutions, the Department is required to balance the Committee's oversight interests against the Department's need to maintain the absolute independence and integrity of its ongoing and sensitive law enforcement activities. Accordingly, the Department has provided the Committee with documents and information showing how the inappropriate tactics in Fast and Furious, Wide Receiver and other operations under review came to be employed while, at the same time, preserving the confidentiality of core law enforcement documents relating to ongoing matters. Although the



Committee has expressed concern about the length of time it has taken the Department to respond to the Committee's October 11, 2011 subpoena, its oversight of open criminal investigations and prosecutions has required the Department to undertake painstaking reviews of documents so we could be confident that we were addressing the Committee's legitimate concerns while, at the same time, not compromising our ability to hold accountable those who violate our laws.

The Committee has also raised questions about the lack of documents produced by the Department reflecting the participation of senior Department officials in devising the inappropriate tactics used in Fast and Furious. Far from reflecting a "cover-up," as some have claimed, the lack of documents makes clear that these tactics had their origin in the field in Arizona and not among Department leaders in Washington. This reality was expressly recognized in the Memorandum ("Memorandum") recently issued by the Committee as a companion to the Committee's Draft Resolution of Contempt ("Draft Resolution"). *Memorandum at 4*. It therefore is not surprising that the documents sought by the Committee do not exist. [Pages 1-2]

In the memorandum that accompanied the House Oversight Committee's draft contempt citation, Issa claimed that DOJ "has not produced any responsive documents for 12 of the 22 categories. The Department has not completely fulfilled any of the 10 categories for which documents have been produced." This assertion is disputed by Cole's letter which provides detailed information about the extent to which DOJ has provided the subpoenaed documents to Issa.

To date, we have provided the Committee over 7,600 pages of documents from both ATF and the Department as part of 47 separate productions. We have provided documents to the Committee at least twice every month since late last year as part of the Department's ongoing efforts to comply with the Committee's subpoenas and other requests for information.

The assertion in the Draft Resolution (p. 14) that the Department has provided documents only for 10 of the 22 subpoena items is incorrect. In fact, the Department has produced or made available for review documents responsive to 16 of the 22 subpoena items. As to 13 of these items, we delivered the documents to the Committee or made them available for staff review (subpoena items 1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, and 21). We provided access to documents responsive to three additional items (subpoena items 15, 17, and 18) in the course of briefings on sensitive law enforcement matters on October 5, 2011 and on subsequent occasions, as referenced in Section IV(C) below. We have not located any documents responsive to a 17th item (subpoena item 3). The documents responsive to the five remaining items (subpoena items 8, 9, 16, 19, and 22), as well as additional documents responsive to the other 16 items of the October 11 subpoena, pertain to sensitive law enforcement activities, including ongoing criminal investigations and prosecutions that raise significant concerns for the Department, as discussed in Section III(A) below, or are materials generated by Department officials in the course of responding to congressional investigations or media inquiries about this matter that are generally not appropriate for disclosure, as discussed in Section III(B) below. [Page 4]

Section III(A) of Cole's letter stated that material related to ongoing criminal investigations or prosecutions is often barred from being released by law or court order and noted that "the Department's long-standing policy across Administrations is to decline congressional requests for non-public information relating to pending law enforcement matters in order to protect the independence and integrity of those efforts." Cole also noted, "These opinions set forth the official legal positions of Administrations that span both political parties in their dealings with Congress. It is very significant, in our view, that there is no instance in which Congress has held an Attorney General in contempt based on a failure to provide materials relating to ongoing criminal investigations and prosecutions."

Section III(B) of Cole's letter contains DOJ's assertion of executive privilege as a valid reason for not turning over documents that are deliberative in nature. He states, "Administrations of both parties consistently have recognized that materials generated by Executive Branch officials in the course of responding to congressional investigations are general



not appropriate for disclosure to the congressional committee conducting the oversight. Congressional demands for such information implicate heightened Executive Branch confidentiality interests and 'significant separation of powers concerns' by threatening to compromise the Executive Branch's ability to respond independently and effectively to congressional investigations."

The ways in which DOJ has attempted to comply with Issa's document requests can be broken down in the following fashion:

Subpoena Category Number	Type(s) Of Document Requested	DOJ Response To Request
1, 2, 4, 5, 6, 7, 10, 11, 12, 13, 14, 20, 21	Communications between individuals involved in Fast and Furious and individuals employed by DOJ including Holder; Communications between DOJ officials and the White House referring to Fast and Furious; Communications referring to instances where ATF allowed guns to walk and then failed to recover the weapons; Documents related to instances where ATF ended surveillance on weapons that were later recovered in Mexico; Documents relating to the murder of ICE Agent Jaime Zapata, All communications to or from Special Agent-in-Charge of ATF's Phoenix Field Division William Newell over two time periods; Communications between Holder and other high level DOJ officials concerning Fast and Furious; Communications between employees of Arizona's Office of the U.S. Attorney and ATF officials; Communications between Dennis Burke, former U.S. Attorney and other employees of the Arizona Office of the U.S. Attorney; Communications between former Ambassador to Mexico Carlos Pascual and certain DOJ officials; Communications between Pascual and DOJ officials based in Mexico City; Meeting material from the Attorney General's Advisory Committee of U.S. Attorneys between March 1, 2009 and July 31, 2011 that refer to Fast and Furious; Weekly reports for Holder from any Criminal Division, ATF, DEA, FBI or National Drug Intelligence Center employee between November 1, 2009 and September 30, 2011.	Documents either delivered to the House Oversight Committee or made available for staff review.
15, 17, 18	Interview summaries relating to targets, suspects, defendants, or their associates, bosses, or financiers in the Fast and Furious investigation; Investigative reports related to individuals described to the Committee by DOJ as Target Number 1 and Target Number 2; DEA documents relating to Manuel Fabian Celis-Acosta.	Documents provided to the House Oversight Committee by DOJ during sensitive law enforcement briefings.
3	Communications between DOJ and the Executive Office of the President concerning an interview of the president conducted by Jorge Ramos of Univision.	DOJ has not located documents for this category.
8, 9, 16, 19, 22	All Reports of Investigation (ROI) related to Fast and Furious or ATF Case Number 785115-10-0004; Communications between certain officials referring to ROIs identified in subpoena item 8; Investigative reports prepared by FBI or DEA relating to Fast and Furious; Communications between Arizona FBI employees and the FBI Laboratory concerning the death of Border Patrol Agent Brian Terry; Surveillance tapes recorded inside the Lone Wolf Trading Co. store on certain dates.	DOJ has not released these documents because they relate to ongoing criminal investigations or are deliberative in nature.



Clearly whether DOJ has complied with Issa's subpoena is an issue of genuine dispute. Because of the partisan realities that surround congressional contempt proceedings which allow the majority party to essentially act as both prosecutor and judge, Fox News and *The Daily Caller* should have exercised more diligence to avoid treating the political positions of the Republican Party as facts suitable for reporting.

**Tags:** Fox News Channel, America's Newsroom, The Daily Caller, Operation Fast and Furious

<http://mediamatters.org/blog/201205170019>

## Issa Report Again Debunks Right-Wing Media's Fast And Furious Conspiracy Theory

May 17, 2012 4:53 pm ET by Adam Shah

Breitbart.com blogger Ken Klukowski has joined the ranks of right-wing figures hyping the bogus conspiracy theory that the ATF's botched Operation Fast and Furious was actually a secret Obama administration plot to undermine the Second Amendment rather than an operation to bring down Mexican drug cartels. However, the lead Republican investigating the Fast and Furious operation, House Oversight Committee Chairman Darrell Issa (R-CA), has repeatedly released reports that have debunked this theory.

Klukowski wrote that "the NRA has been pushing for information regarding who knew what in the administration, and any related political objectives being pursued by Team Obama." Klukowski also quoted NRA chief lobbyist Christopher Cox as saying that "[a]ccording to their internal emails, it was all to advance their gun-control agenda."

But in a May 3 memorandum and accompanying report attempting to lay the groundwork for a contempt citation against Attorney General Eric Holder, Issa said that the Fast and Furious operation to allow straw purchasers to buy and transfer guns without being arrested was conceived because law enforcement officials "hoped the weapons, after they were recovered at crime scenes in Mexico, could be traced and linked to cartel operatives including possible high-level financiers, suppliers, and possibly even king-pins."

From Issa's memorandum:

### *Fast and Furious Conceived*

The ATF Phoenix Field Division began Operation Fast and Furious in the fall of 2009 after suspicious weapons purchases led agents to the discovery of an apparent Phoenix-based arms trafficking syndicate. Having been encouraged to devise grander strategies to stop the transfers of weapons to Mexican drug cartels, the Phoenix based agents devised a strategy that went beyond simple arrests or weapons confiscations. They would allow the U.S.-based associates of a Mexican drug cartel to continue acquiring firearms uninterrupted. In doing so, they hoped the weapons, after they were recovered at crime scenes in Mexico, could be traced and linked to cartel operatives including possible high-level financiers, suppliers, and possibly even king-pins.

The operation sought to achieve its lofty goals by focusing on the ringleader of the weapons smuggling syndicate they had identified: Manuel Celis-Acosta. Celis-Acosta was using a then-unknown number of straw-purchasers, including Jamie Avila, to purchase weapons.



At no point in the 17-page memo or accompanying 44-page draft contempt citation against Holder did Issa assert that the program may have had a different, more nefarious purpose.

And this is not the first time an Issa report has debunked the theory that the real purpose of Fast and Furious was to push for stricter gun laws. In June 2011, a "joint staff report" prepared for Issa and Sen. Chuck Grassley (R-IA) stated: "The purpose [of Fast and Furious] was to wait and watch, in the hope that law enforcement could identify other members of a trafficking network and build a large, complex conspiracy case."

So unless Issa is part of the anti-Second Amendment conspiracy, it's pretty clear that Fast and Furious had nothing to do with pushing for stricter gun laws.

Tags: Ken Klukowski, Breitbart.com

## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Tuesday, June 05, 2012 6:33 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** fyi -- Wiretap Applications Don't "Prove" Senior DOJ Officials "Approved" Gunwalking

<http://mediamatters.org/blog/201206050022>

# Wiretap Applications Don't "Prove" Senior DOJ Officials "Approved" Gunwalking

June 05, 2012 6:31 pm ET by Matt Gertz

Conservative media outlets are credulously reporting House Oversight Committee Chairman Darrell Issa's claim that wiretap applications signed by senior Justice Department officials "prove" they "approved" of dangerous gunwalking tactics in the ATF's failed Operation Fast and Furious, contradicting prior DOJ statements. In doing so, they ignore that the DOJ has repeatedly stated that senior officials do not necessarily review wiretap applications themselves, but rather largely rely on summaries of those applications produced by line attorneys.

## The Go-Ahead

**Issa: New docs show senior Justice officials approved of Fast and Furious**



"Documents prove senior Justice officials approved Fast and

Furious, Issa says,"reads the headline of Daily Caller reporter Matthew Boyle's latest foray into reporting on the ATF's fatally flawed gunwalking operation.

Leaning heavily on Issa's just-released letter to Attorney General Eric Holder, Boyle reports that Issa has obtained wiretap applications for that operation that were signed by senior DOJ officials. Boyle notes that Issa claims those documents "show that immense details about questionable investigative tactics were available" to those officials via those applications, supposedly disproving numerous DOJ statements that senior officials there were not privy to the details of gunwalking.

But there's one question that this sort of credulous recitation of Issa's claims does not address: Did those officials actually review the wiretap applications that Issa says contained that information? According to prior DOJ statements dating back to at least last year, the answer is no.



This is not the first time Issa has claimed that wiretap applications supposedly proved knowledge of gunwalking techniques on the part of senior DOJ officials. In February, his committee made similar allegations, claiming in a staff report that "Congressional investigators have learned about the information contained in one Wiretap Authorization and Wiretap Affidavit from Fast and Furious that Jason Weinstein signed. The Wiretap Affidavit presented Weinstein with the details of at least two instances in which ATF agents had witnessed illegal straw purchasing and the subsequent transfer of the purchased weapons to other individuals."

But *Politico* reported at the time that "Weinstein told investigators that it was his 'general practice' not to read the underlying affidavits in such cases but to rely on a so-called cover memo prepared by another Justice Department office." This was consistent with *Politico's* report last November in response to similar claims that the wiretap applications could have bearing on what senior DOJ officials knew of Fast and Furious:

The Justice official, who spoke on condition of anonymity, said wiretap applications are reviewed by another DOJ office which writes a detailed cover memo that is usually the focus of review by Breuer's staff.

"What gets pulled out for their review is thorough the lens of those two questions: necessity and probable cause," the official said.

In a letter that the committee's ranking member, Rep. Elijah Cummings (D-MD), released in response to Issa's letter today, he reiterated these points in even greater detail.

Cummings states that in an interview with committee staff, Weinstein said that senior DOJ officials generally don't actually review the wiretap applications themselves. Because "thousands" of such applications are received each year, a team of line attorneys reviews the documents and submits to the DAGs summary memos that include "just the information that we need to be able to make that legal determination" that a wiretap is proper or not. The DAGs then recommend that the wiretaps be approved or not based on those memos. According to Weinstein, they are following precedent that has been "consistent across administration."

The letter quotes extensively from Weinstein's interview with committee staff, including his statement, "my practice in every case, in every wiretap I reviewed since I came on the job, is to review the summary memo. And I can probably count on one hand the number of times when there's been something in the memo that was poorly written, that left me confused about the meaning of a dirty call or a legal issue that caused me to have to go to the affidavit." Based on these statements, Cummings concludes that "without any information to contradict this record, it is inaccurate to assert that senior Department officials were aware of the detailed contents of these wiretap applications."

Are Weinstein's statements accurate? That's a question worth asking, and indeed in his letter Cummings suggests calling on the other DAG who reviewed wiretaps in the case, Kenneth Blanco, who was appointed Deputy Assistant Attorney General in April 2008 under the Bush administration and is also criticized in Issa's letter. But until it's answered, there's no evidence to support claims that the wiretap applications in question "prove" that senior DOJ officials "approved" gunwalking tactics.

Tags: The Daily Caller, Matthew Boyle, Guns, Operation Fast and Furious, Breitbart.com



## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Wednesday, June 20, 2012 1:02 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** fyi -- When The Bush Administration Claimed Executive Privilege To Protect Internal DOJ Communications

<http://mediamatters.org/blog/201206200008>

# When The Bush Administration Claimed Executive Privilege To Protect Internal DOJ Communications

June 20, 2012 12:58 pm ET by Matt Gertz

On Fox News this morning, senior judicial analyst Andrew Napolitano claimed that President Obama's assertion of executive privilege in response to a congressional subpoena of Justice Department documents related to the ATF's failed Operation Fast and Furious is only valid if he was "personally involved in making decisions" regarding that case. But President Bush previously invoked executive privilege in response to a subpoena of internal DOJ documents.

NAPOLITANO: Executive privilege protects communications with the president, the human being of the president, not with people that work for him and the Justice Department. ... If the attorney general sat down and discussed it with the president, he probably doesn't want the Congress and the public to know that, because we know of the awful events that occurred as a result of the Fast and Furious escapade. But we also know that executive privilege only pertains to military, diplomatic, and sensitive national security matters. Now, was fighting the drug gangs at the border a sensitive national security matter? And, if so, was the President of the United States of America personally involved in making decisions as to how to conduct that fight? If that's the case, this has reached a different level and we now know why the attorney general has ferociously defended these documents.

In December 2001, President Bush invoked executive privilege in response to a subpoena from congressional investigators seeking deliberative DOJ communications related to both the FBI's use of organized crime informants and President Clinton's fundraising efforts. *The New York Times* reported:

President Bush invoked executive privilege today for the first time in his administration to block a Congressional committee trying to review documents about a decades-long scandal involving F.B.I. misuse of mob informants in Boston. His order also denied the committee access to internal Justice Department deliberations about President Bill Clinton's fund-raising tactics.

A United Press International report on Bush's decision says that the executive privilege claim applied to "17 sets of documents related to the FBI investigations and informants" as well as "a set of documents related to the decision not to pursue an independent counsel to investigate Clinton-era campaign finance violations."

In testimony before Congress, Justice Department criminal division chief of staff Michael Horowitz made clear that the documents in question were deliberative DOJ documents, not documents pertaining to the president or the White House:



Let me stress at the outset that the department fully understand that the committee's interest in these documents is based upon its concern about the integrity of the department's actions in prosecuting or declining to prosecute particular individuals. We all want to be sure that such decisions are based upon the evidence in the law, free from political and other improper influences. Indeed, it is for that very reason, to protect the integrity of federal prosecutive decisions, that the attorney general, supported by the president, has declined to produce the internal deliberative memoranda you seek.

During the same hearing, Horowitz explained that in lieu of providing the internal DOJ deliberative documents, the Justice Department would be willing to provide briefings on those documents - the same offer Attorney General Eric Holder says Oversight chair Darrell Issa rejected in favor of seeking to hold him in contempt of Congress.

Tags: Operation Fast and Furious

## Schmalzer, Tracy (OPA)

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**From:** Matt Gertz [mgertz@mediamatters.org]  
**Sent:** Monday, June 25, 2012 4:43 PM  
**To:** Schmalzer, Tracy (OPA)  
**Subject:** fyi - Fox's Kelly Hosts Conspiracy Theorist McCarthy For Baseless Fast And Furious Speculation

<http://mediamatters.org/blog/201206250012>

# Fox's Kelly Hosts Conspiracy Theorist McCarthy For Baseless Fast And Furious Speculation

June 25, 2012 4:38 pm ET by Matt Gertz

Today on Fox News' *America Live*, Megyn Kelly offered repeated tension-filled teases for an interview with a "former DOJ official" who she promised would explain how the White House "had to know" about the controversial tactics used in the ATF's failed Operation Fast and Furious and would provide "his take on what Mr. [Attorney General Eric] Holder likely knew and when he knew it." But Kelly's big get wasn't someone with any actual knowledge of the operation or its aftermath, but rather Andrew C. McCarthy, the resident anti-Obama conspiracy theorist at the right-wing *National Review*.

McCarthy's credentials to make broad claims about what the White House and senior DOJ officials would be limited even if his credibility was not; he served as an Assistant U.S. Attorney in New York, not at DOJ headquarters in Washington, DC, and left public service in 2003.

But McCarthy's credibility certainly is in question. While McCarthy first gained fame for prosecuting the 1993 World Trade Center bombing, in recent years he has become known for his viciously anti-Muslim rhetoric and adoption of conspiracy theories.

In a 2011 *New Republic* post calling McCarthy a "walking clearinghouse of right-wing conspiracies," Jonathan Chait noted that McCarthy has written:

Obama's radicalism, beginning with his Alinski/ACORN/community organizer period, is a bottom-up socialism. This, I'd suggest, is why he fits comfortably with Ayers, who (especially now) is more Maoist than Stalinist. What Obama is about is infiltrating (and training others to infiltrate) bourgeois institutions in order to change them from within -- in essence, using the system to supplant the system. A key requirement of this stealthy approach (very consistent with talking vaporously about "change" but never getting more specific than absolutely necessary) is electability.

McCarthy has also:

- Used his platform at *National Review's* The Corner blog to question whether Bill Ayers was the true author of President Obama's 1995 memoir *Dreams From My Father*, citing Jack Cashill's flawed analysis. He subsequently doubled down on the theory after *National Review* colleague Jonathan Adler criticized the hypothesis as "outlandish" and "nutter-territory stuff."



- Written a book that invoked numerous smears and falsehoods in order to make the case that President Obama has "Islamist sympathies" and "seem[s] disposed" to "advance the cause of Islam in the world." McCarthy also suggested that Obama's 1981 visit to Pakistan could indicate that he was "a citizen of an Islamic country."
- Dissented from a *National Review* editorial criticizing birtherism by questioning the significance of the birth certificate Obama released in 2008 and speculating that Obama may be a "Muslim citizen of Indonesia."
- Attacked DOJ lawyers who previously defended terrorism suspects as having "work[ed] for the enemy."
- Pushed the myth that at an event in 2007, Obama "marched with members of the New Black Panther Party."
- Dissented from a *National Review* editorial denying the existence of "death panels" in health care reform, writing that "Palin was right."
- Declared that "what 'radicalizes' Muslims is Islam -- the mainstream interpretation of it."
- Pushed a baseless conspiracy theory that Obama gave Interpol broad powers to investigate U.S. citizens without being limited by the Constitution.
- Wrote that *The New York Times* "sided with al Qaeda" by publishing an article describing a secret Bush administration program designed to monitor international financial transaction.

Tags: Operation Fast and Furious