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October 4, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President,

I write to urge you to instruct the Department of Justice to appoint a special counsel to determine whether Members of Congress were misled by the Attorney General during his recent testimony before the House Judiciary Committee regarding what information he knew about the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) Operation Fast and Furious, which allowed straw buyers to purchase guns in the United States and transfer them across the border to Mexico. The guns were used for illegal activity and ultimately were used in the shooting death of Customs and Border Patrol Agent Brian Terry.

At a hearing before the House Judiciary Committee on May 3, 2011, Attorney General Holder testified that he first heard of "Fast and Furious" in April, 2011. Congressman Issa asked, "When did you first know about the program, officially, I believe, known as Fast and Furious? Best of your knowledge, what date?" The Attorney General responded "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."

In response to ongoing Judiciary Committee oversight of Operation Fast and Furious, the Department of Justice recently provided to the Committee documents that raise significant questions about the truthfulness of the Attorney General's testimony.

Weekly updates from the National Drug Intelligence Center began briefing the Attorney General on Fast and Furious beginning, at the latest, on July 5, 2010. These updates mentioned, not only the name of the operation, but also specific details about guns being trafficked to Mexico.

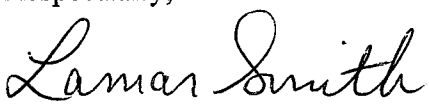
An additional memo dated October 18, 2010 from Lanny Breuer to Attorney General Holder also discussed Operation Fast and Furious.

The Department's consistent response to Congress has been that Operation Fast and Furious was a discrete law enforcement effort largely isolated to the ATF office in Phoenix. These documents appear to undermine this claim and bring into question statements made by Attorney General Holder to this Committee.

Allegations that senior Justice Department officials may have intentionally misled Members of Congress are extremely troubling and must be addressed by an independent and objective special counsel.

I urge you to appoint a special counsel who will investigate these allegations as soon as possible.

Respectfully,



Lamar Smith
Chairman

cc: The Honorable John Conyers, Jr.