



Written by [Brian Koenig](#) on December 17, 2012

Brian Terry's Family Sues Over Botched "Fast and Furious" Operation

The family of slain Border Patrol agent Brian Terry is [suing](#) federal officials and a gun shop over the botched "Fast and Furious" gunrunning operation that remains a dark stain on the Obama administration's disgraced Justice Department. Terry was shot and killed on December 14, 2010, during a firefight north of the Arizona-Mexico border between border agents and men who had crossed the southern border to rob a group of drug smugglers.



Assault rifles obtained by a straw buyer for the gunrunning ring targeted in the Fast and Furious operation were found in the aftermath of the firefight. To add to the controversy, other guns purchased by the ring were [later discovered](#) at crime scenes in Mexico and the United States.

The contentious effort was launched in 2009 to catch trafficking kingpins, but agents lost track of some 1,400 of the more than 2,000 weapons involved in the operation. Federal officials who had administered Fast and Furious have met heated criticisms for permitting suspected straw gun buyers to acquire weapons from gun shops in Arizona, rather than being arrested and having the weapons seized.

The [27-page lawsuit](#), which was filed late last week, asserts that the defendants "created, organized, implemented and/or participated in a plan — code named 'Operation Fast and Furious' — to facilitate the distribution of dangerous firearms to violent criminals." Furthermore, the lawsuit states, the defendants "knew or should have known that their actions would cause substantial injuries, significant harm, and even death to Mexican and American civilians and law enforcement, but were recklessly indifferent to the consequence of their actions."

Those [implicated](#) in the lawsuit, as summarized by CBS News, included:

- Bill Newell, then-Special Agent in Charge of ATF's Phoenix office where Fast and Furious was based.
- George Gillett, then-Assistant Special Agent in Charge of ATF in Phoenix.
- David Voth, then-leader of the ATF group that executed Fast and Furious.
- Hope MacAllister, the lead ATF group agent on the case.
- Tonya English, an ATF agent in the group.
- William McMahon, the ATF supervisor in charge of field operations at the time.
- Emory Hurley, the lead prosecutor for the Department of Justice on the case working for the U.S. Attorney's office in Phoenix.
- Andre Howard, owner of Lone Wolf Trading Company gun shop, which was cooperating with ATF agents in Fast and Furious and sold at least two of the rifles later believed trafficked to Mexican drug cartels and used in the murder of Agent Terry.



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Lone Wolf Trading Company, according to the plaintiffs, “knowingly and willingly” sold illegal firearms to straw buyers for the Mexican drug cartels “from which a substantial profit was generated.” However, Howard claims he acted under orders from agents at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), who persuaded him to cooperate by approving gun sales to suspicious buyers.

ATF spokesman Tom Mangan has refused to comment on the development. William Newell, a spokesman for the U.S. Attorney’s Office in Arizona and the former head of the ATF at the time of the investigation, also neglected to comment on the lawsuit.

Interestingly, Attorney General Eric Holder, who is still under fire for his prominent role in the infamous scandal, [said](#) Friday that Americans need to ask “hard questions” about constitutional rights, such as the right to keep and bear arms. “As a nation I think we have to ask ourselves some hard questions. We gather too often to talk about these kinds of incidents,” Holder asserted in Tulsa, Oklahoma, commenting about the tragic Sandy Hook school shootings in Newtown, Connecticut. “We need to discuss who we are as a nation, talk about the freedoms that we have, the rights that we have and how those might be used in a responsible way.”

The Attorney General delivered his speech on the second anniversary of the death of Terry. But considering his chief role in *Fast and Furious*, Holder’s musings on the freedom to keep and bear arms seems somewhat conflicting, Rep. Louie Gohmert (R-Texas) [said](#) Sunday on Fox News.

“Well I think coming from him, that’s really important to note, coming from a man who’s over a department that forced the sale of guns to people that would bring about the death of people like Brian Terry, and there should be national outrage about Mexicans — our neighbors — 200 or more that have been killed by the guns that his department have forcibly — forced to be sold,” Gohmert affirmed.

Holder’s past assertions on the subject also seem to contradict his department’s highly controversial operation. “What we need to do is change the way in which people think about guns, especially young people, and make it something that’s not cool, that it’s not acceptable, it’s not hip to carry a gun anymore, in the way in which we’ve changed our attitudes about cigarettes,” he [said](#) in January 2005. “We need to do this every day of the week and just really brainwash people into thinking about guns in a vastly different way.”

However, Holder’s actions seem to have settled on a different conclusion, as *Fast and Furious* actually placed weapons into the hands of dangerous criminals, leading to Terry’s untimely death and reportedly the deaths of others south of the U.S.-Mexico border.

All in all, lengthy investigations by Congress and the inspector general have highlighted at least 17 ATF and Justice Department officials for mismanagement, negligence, and other acts of wrongdoing related to the botched operation. And so far, 15 of those in the case have pleaded guilty to the charges.

Photo of U.S. Border Patrol agent Brian Terry: AP Images



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