



Written by [Alex Newman](#) on May 7, 2012

Justice Department Disputes Fast and Furious Contempt Charge

House Republicans are inching closer to issuing a contempt citation against disgraced Attorney General Eric Holder for scandals surrounding the Obama administration's deadly weapons-trafficking operation "Fast and Furious." But in recent days, the Department of Justice implausibly [insisted](#) that it cooperated with the congressional investigation.



Oversight Committee Chairman Darrell Issa (R-Calif.) and other Representatives, however, disagree, saying the executive branch has been engaged in a cover-up from the start. Still, no final decision has been made yet on whether or not to proceed with formal contempt charges against Holder or other senior officials.

But progress is being made — albeit, slowly. A [draft resolution](#) released publicly on Thursday has already been circulated among senior lawmakers for review. And if the administration continues to obstruct justice, further action is widely anticipated.

Throughout the investigation, the Justice Department and its officials have repeatedly withheld documents, missed deadlines, lied to congressional investigators, and more. One senior official involved in the scandal, Patrick Cunningham, even invoked Fifth Amendment protections before the Committee to avoid incriminating himself.

More than a few Congressmen and analysts have blasted the behavior as stonewalling. And well over 100 Representatives have called for Holder to step down or be fired as pressure continues to mount. Some lawmakers even suggested that the defiance represents a violation of federal law.

In response to the lack of cooperation, the House Oversight Committee — which has been investigating the deadly gun-running program since it was first exposed by whistleblowers about a year and a half ago — has been warning for months that it would take more drastic measures to get to the truth if needed. And last week, Issa finally sent a [memo](#) to Committee members offering the draft contempt citation and an explanation of why it might well be needed.

"This briefing paper and draft contempt report explains the case, to both Members of the Committee and the American people, for holding Attorney General Holder in contempt of Congress," Issa said in a [public statement](#) announcing the memo. "In describing the results of the Justice Department's refusal to cooperate — including the hardships the family of a fallen Border Patrol agent have faced in seeking the truth, and retaliation against agents who blew the whistle on gunwalking — this briefing paper provides the facts, on which decisions will be made."

The [44-page document](#) explains several key points in the saga, including the fact that Holder and his



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department have continually frustrated efforts of investigators to find out what happened and who was responsible. The Committee, for example, issued a subpoena requesting 22 categories of documents. More than half have been completely ignored, and among the categories in which evidence was provided, the vast majority have still not been completely fulfilled.

“For over a year, the Department has issued false denials, given answers intended to misdirect investigators, sought to intimidate witnesses, unlawfully withheld subpoenaed documents, and waited to be confronted with indisputable evidence before acknowledging uncomfortable facts,” Issa explained. On top of that, senior officials have continually sought to lay the blame on lower-ranking functionaries using deception — presumably to shield Obama’s appointees and protect high-level insiders.

The Justice Department, meanwhile, sent a [letter to Issa](#) on Thursday claiming that it had been cooperating with the investigation all along. In the official response to the contempt process moving along, Deputy Attorney General James Cole cited thousands of pages of documents handed over to Congress as well as Holder’s testimony before the Oversight Committee to “strongly dispute” lawmakers’ assertions of potentially criminal stonewalling.

“This record reflects the department’s consistent efforts to cooperate with the committee’s investigation,” Cole claimed in the letter, saying DOJ remained committed to dealing with Congress’ “legitimate” oversight concerns even while citing previous administrations to justify withholding key evidence. The department also continues to claim that releasing some of the subpoenaed documents might jeopardize “ongoing criminal investigations and prosecutions.”

The “Fast and Furious” scheme, of course, was part of a broader federal effort that put thousands of high-powered guns into the hands of drug cartels. When concerned agents blew the whistle, however, the plan blew up in the administration’s face — lawmakers’ demanded answers even as the largely pro-Obama media began timidly asking questions.

After the scandal about the deadly program first made national headlines, the administration denied the facts and eventually claimed that the goal was to target criminals for arrest and prosecution. But the denials and at least a few remarks that lawmakers called “lies” — often under oath — eventually came crashing down, too.

Official documents later proved what had long been suspected: the ensuing chaos was being used by the Obama administration to advocate more unconstitutional infringements on Americans’ right to keep and bear arms. Groups like the National Rifle Association and Gun Owners of America were furious, and the criticism has only grown since then.

Some Congressional Democrats and members of the Obama administration, meanwhile, have attempted to portray efforts to hold Holder and his subordinates accountable as a partisan campaign to score political points. An assortment of “experts” also publicly claimed the lawmakers’ concerns were politically motivated, with several stating that the impasse would probably be resolved through negotiations well before any contempt order could be enforced.

Observers, however, point to hundreds of people killed — including federal agents like Border Patrol officer Brian Terry — by taxpayer-funded guns provided to Mexican cartels by the DOJ. More recently it also emerged that the two supposed “drug lords” being targeted by the operation were actually working for the FBI all along.

So, while some Obama apologists dismiss the investigation, more than a few analysts have suggested that Congress is not taking strong enough measures to rein in the abuses. But even if the congressional



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inquiry is political, that is not necessarily a problem, according to experts — political motivations are key to proper checks and balances.

“Politics has always played a major role in these things, and I think rightly so,” Cornell University law Professor Josh Chafetz [told](#) Talking Points Memo. “Part of what we want Congress in its oversight function to do is to have incentives to keep tabs on the executive branch, and partisan politics is a good incentive.”

Despite claims made in some news reports citing sources, Congress has still not definitively decided to pursue contempt charges. But according to lawmakers and experts, if Holder and the administration do not change their tune — and soon — action to compel cooperation will have to be taken.

“While the committee continues to move toward consideration of contempt, it is important to note that the next step in the process of contempt must be made by the Oversight Committee,” a spokesman for the committee was [quoted as saying](#) by *The Hill*. “Reports, based on anonymous sources, that decisions for consideration of contempt on the House floor have already been made are inaccurate.”

Beyond the Fast and Furious scandal, lawmakers are also meeting resistance in other investigative efforts, too. After the *New York Times* blew the whistle on drug-money laundering by the Drug Enforcement Administration (DEA), for example, the Oversight Committee launched a probe. So far, the Obama administration has largely refused to cooperate.

Additionally, an investigation into the executive branch’s controversial “green” wealth-redistribution programs funded by the “stimulus” bill has also been stymied by a lack of full cooperation from the Department of Energy. According to congressional reports, billions of taxpayer dollars were squandered under the schemes — often benefiting top Obama allies — yet lawmakers’ efforts to understand what went wrong were hampered by Energy Secretary Steven Chu.

Whether Congress will move forward with the contempt charge and seek to have it enforced remains to be seen. If the Oversight Committee approves the resolution, it could go to the House floor for a vote. At that point, getting the measure enforced through the courts could take years, according to reports.

Still, Rep. Issa [made clear](#) in a TV interview last week that lawmakers were running out of patience, and if cooperation is not forthcoming, he has support from leadership to do what needs to be done. But with hundreds of people killed by “Fast and Furious” guns so far on both sides of the border, activists seeking answers and accountability say the time for action is now.

Photo: Attorney General Eric Holder speaks at the Northwestern University law school, March 5, 2012 in Chicago: AP Images



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