



Written by [Raven Clabough](#) on June 21, 2012

AG Holder and House GOP May Compromise on “Fast and Furious”

On Wednesday, the House Oversight and Government Reform Committee [voted](#) on partisan lines to bring contempt charges against Attorney General Eric Holder for not complying with subpoenas to turn over documents related to the “Fast and Furious” gun-running scandal. As the vote now moves toward a full House vote, however, Attorney General Holder is [indicating](#) that he wants to negotiate, a notion House Republicans are willing to accept.



Congress has been investigating the Fast and Furious operation for well over a year, and has grown infuriated with Holder’s refusal to adequately comply with the investigation. The *New York Post* explains, “Holder has provided 7,600 documents while the [House Government and Oversight] Committee has issued subpoenas asking for tens of thousands more over a botched federal program that resulted in guns getting into the hands of Mexican criminals.”

Holder has defended his refusal to hand over documents for the congressional investigation by asserting that it would violate the “separation of powers.”

Congress did receive thousands of documents from the Department of Justice, many of which were irrelevant to the investigation, and others of which were redacted. As noted by *The New American’s* Alex Newman, the DOJ supplied less than 10 percent of the documents that were requested for the investigation.

The controversy surrounding Holder’s unwillingness to turn over those Fast and Furious documents escalated when President Obama [claimed](#) “executive privilege” over the documents. According to CNSNews.com, “The assertion came just before the House Oversight and Government Reform Committee scheduled vote on holding embattled Attorney General Holder in contempt of Congress.”

CBS News explains, “By asserting executive privilege, the Justice Department can withhold documents from Congress, even if Congress has issued a subpoena, as the House Oversight and Government Reform Committee has.”

Naturally, Obama’s declaration of executive privilege has some wondering exactly what sort of stake the president has in this scandal.

Oversight Committee member Rep. Blake Farenthold (R-Texas) noted that executive privilege is typically reserved for communications at the highest levels of the White House. Therefore, the use of it in this scandal implies that the president may have had knowledge of the Fast and Furious operation. He told CNSNews.com,

If you look at how executive privilege has been historically interpreted, it’s designed to protect the inner workings of the White House, the president talking to his advisors. It’s usually involved at the highest levels. And so it’s troubling if they’re trying to invoke it into every agency or every



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discussion within an agency. That certainly isn't indicative of the most transparent administration in history, and it creates real problems for this committee.

The other issue is, if it did go all the way up to the White House, there's a problem there because you have Holder having testified under oath that he hadn't talked to the president. You've had the president on Univision saying he didn't know about it. So, to invoke executive privilege in the White House, that brings those statements into question.

Still, House Republicans have indicated they are willing to compromise if more emails and memos are turned over, and Holder has responded that he is open to negotiation.

"I think the possibility still exists that it can happen in that way," Holder said. "The proposal that we have made is still there. The House, I think, the House leadership, has to consider now what they will do, so we'll see how it works out."

Members of the House Oversight Committee indicate that they would like to see some additional documents relevant to Fast and Furious, in addition to "signs of good faith," before they are satisfied.

The *Boston Globe* reports:

The latter could include substantive responses to future committee requests for documents; reforming the approval process for wiretap applications; acknowledging mistakes in misleading Congress about Fast and Furious; taking whistle-blowers seriously; and producing a log of documents to be turned over, according to the officials, who spoke only on condition of anonymity because they weren't authorized to discuss the issue by name.

But such negotiations would necessitate the White House abandoning its executive privilege. If the White House refused to do so, the issue would likely lead to court battles that would not be resolved in the near future.

House Speaker John Boehner and Majority Leader Eric Cantor state that a full House vote will take place next week if a compromise is not reached. If the full House votes to approve the Holder contempt citation, a full-blown federal criminal case would likely be launched against him.

House Democrats are accusing Republicans of engaging in political theatrics by going forward with the contempt vote. Democratic Representative Elijah Cummings, who also sits on the House Oversight Committee, complained that the vote is "an extreme, virtually unprecedented action based on election-year politics rather than fact."

The guns that were permitted to "walk" across the border to Mexican drug cartels under Operation Fast and Furious were later involved in a number of different murders, including that of Border Patrol Agent Brian Terry.

Likewise, documents obtained by CBS News revealed that officials in the Bureau of Alcohol, Tobacco, Firearms and Explosives (still known as ATF) had discussed using Fast and Furious to institute controversial new rules about gun sales.

According to [CBS News](#), "ATF officials didn't intend to publicly disclose their own role in letting Mexican cartels obtain the weapons, but emails show they discussed using the sales, including sales encouraged by ATF, to justify a new gun regulation called 'Demand Letter 3.' That would require some US gun shops to report the sale of multiple rifles or 'long guns.'"

Had not ATF whistle-blower Vince Cefalu revealed that the ATF had secretly encouraged gun dealers to



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sell to Mexican drug cartels, the Fast and Furious scandal might never have been exposed, and the stricter gun regulations might now be in place. Perhaps unsurprisingly, Cefalu, who had been with the agency for 24 years, was [fired](#), though the ATF denied that his termination was in any way connected to retaliation.

Regardless of the worthiness of any protracted legal battles over Fast and Furious, however, the *Boston Globe* notes that history “suggests the matter won’t get that far.” For example, when contempt charges were brought up against Attorney General Janet Reno, they never even reached a full House vote.

And despite the House GOP’s 1½-year-long investigation into the matter, and the Justice Department’s seemingly unmovable stance on producing the documents necessary to complete the investigation, House Republicans are now contending that a few hundred additional documents may be enough to satisfy them.

Given the depth of this scandal, the high levels of government it reached, and the horrific consequences of Operation Fast and Furious, most analysts agree that any compromise that does not involve the prosecution of those responsible would be viewed as a sell-out of American principles.

Photo of Atty. Gen. Eric Holder



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