



Written by [Alex Newman](#) on February 4, 2012

AG Holder May Be Held in Contempt for “Fast & Furious” Cover-up

Obama’s top law enforcer defended the Justice Department’s stonewalling by falsely claiming that providing information about the deadly federal operations to congressional investigators would somehow violate the “separation of powers.” He said an internal investigation is ongoing. But lawmakers on the House Oversight and Government Reform Committee were not buying it.



“When is the primary investigative committee of Congress, of the U.S. House, going to be allowed to have the same access that your own self-appointed — essentially self-appointed — Inspector General has?” wondered Committee Chairman Rep. Darrell Issa (R-Calif.), who has led the congressional investigation in the House.

In a letter to the Justice Department sent before the hearing, Rep. Issa [continued to demand](#) the documents, warning that there would be consequences for failing to comply. “If the department continues to obstruct the congressional inquiry by not providing documents and information, this committee will have no alternative but to move forward with proceedings to hold you in contempt of Congress,” Issa wrote to Holder. The DOJ responded by saying it would be “impossible” to meet the February 9 deadline.

Congress has received several thousand documents — many of them irrelevant to the investigation, others redacted — out of some 80,000 being sought, meaning the DOJ has supplied less than 10 percent of the documents requested. About two-thirds of the document categories subpoenaed by the oversight committee have been [withheld](#) by the department as well.

“It appears as though we’re being stonewalled and there’s something that’s being hidden,” [said](#) Rep. Dan Burton (R-Ind.) during the hearing. “You’re hiding behind something here that will not stand up, so you ought to give us the documents.” Holder appeared unmoved and responded to Representatives in what critics [described as](#) a “petulant, angry, and defiant” manner.

The probe surrounding the [Fast and Furious](#) scandal — in which the federal government was caught arming Mexican drug cartels and [using](#) the resulting violence to push for more gun-control — has been ongoing for over a year. During that time, Holder and [his subordinates](#) have repeatedly been [caught lying](#) — even falsely claiming in a letter last February that no guns were given to the cartels. Holder himself has admitted that he provided false testimony.

But so far, despite the murder of Border Patrol agent Brian Terry being [linked](#) to Fast and Furious, no one responsible for the deadly scheme has been criminally charged. A few individuals tied to the



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operations have actually [been promoted](#), while whistleblowers, on the other hand, have suffered vicious retribution. Holder claimed accountability is coming for lower-ranking officials who participated.

At one point in Thursday's hearing Rep. Ann Buerkle (R-N.Y.) [played a video](#) of testimony offered by agent Terry's family. "How many more Border Patrol agents would have had to die as a part of Operation Fast and Furious for you to take responsibility?" she asked Holder.

Incredibly, the Attorney General [responded](#) by asking members of Congress to give him "some credit" for what he claimed the DOJ had accomplished, though he failed to offer any specifics, only citing "national security" and "civil rights" as examples of what had been done. He also blasted Rep. Buerkle for asking the question.

But despite the stonewalling and Holder's attempts to deflect criticism, the scandal surrounding federal gun trafficking continues to grow. Accusations that the nation's top law enforcement officer perjured himself during congressional testimony have even sparked calls for Holder to be prosecuted.

Meanwhile, Congress is also growing weary of the cover-up and Holder's disrespectful tone. Over 100 members have already called for him to resign, with one even accusing the Attorney General of serving as an "accessory to murder."

"Some of my colleagues [and I] have concluded that you should resign," said Rep. Blake Farenthold (R-Texas) during the February 2 hearing, asking how Holder could ever regain the trust of Americans in the wake of the blood-soaked operation. Holder said he did not believe he had ever lost America's confidence.

But despite the growing uproar, the embattled Attorney General has so far refused to step down, lashing out at the media and conservatives for covering the scandal instead. Commentators say his strategy will fail and could even hurt Obama's reelection bid.

The pressure is still mounting, too — and it is not likely to subside any time soon. After the hearing, Rep. Issa [reiterated](#) to Fox News host Greta Van Susteren that the Attorney General could still be held in contempt of Congress if the cover-up continues. Susteren demanded more action to hold Holder accountable, too.

During the hearing, Rep. Issa got tough on the issue as well. "Mr. Attorney General, you have, the executive branch has, executive privilege," he said. "It's narrow. It's well-defined. There is case law. If you do not find a legitimate basis to deny us the material we've asked for, we will seek the remedies necessary to compel."

Top officials are already thought to be in danger of criminal prosecution. Last month, a senior Justice Department official involved in the scandal [told Congress](#) that he would be invoking his right — protected by the Fifth Amendment to the U.S. Constitution — not to testify because it might incriminate him.

"As a professional courtesy, and to avoid needless preparation by the Committee and its staff for a deposition next week, I am writing to advise you that my client is going to assert his constitutional privilege not to be compelled to be a witness against himself," wrote an attorney for Patrick Cunningham, the chief of the Criminal Division of the U.S. Attorney's Office in Arizona, in response to a congressional subpoena.

While Cunningham maintains that he is innocent and is being used as a fall guy to protect top officials, lawmakers are considering the possibility of offering him immunity from criminal charges in exchange



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for testifying against higher ups — widely expected to include Holder and possibly even President Obama himself. It remains unclear how important Cunningham's role may have been in Fast and Furious, but as the top criminal prosecutor for the federal government in Arizona, experts say he was likely close to the center of the scandal.

Meanwhile, as the federal government's arming of violent Mexican cartels continues to dominate headlines, [Congress is also now probing](#) a new, likely related scandal: The Drug Enforcement Administration has apparently been laundering the cartels' drug profits. The *New York Times* first blew the whistle on the story late last year.

The Obama administration continues to claim that unlawfully supplying the cartels with weapons while laundering their profits was somehow aimed at stopping drug trafficking and violence — over 50,000 Mexicans have died in recent years as a result of the drug war. But documents that emerged late last year [showed](#) what experts had suspected all along: The Justice Department was using the fallout from its operations to push for more violations of Americans' right to keep and bear arms.

[Recent](#) court [filings](#) and [news report](#) citing agency officials also indicate that the Central Intelligence Agency may have played a role in supporting the drug cartels as well, possibly even allowing drugs to be shipped across the border. Congressional Democrats, meanwhile, have [noted](#) that many of the deadly policies have been in place since at least the George W. Bush administration.

As Congress continues its investigations, corruption watchdogs and activists across America hope the whole web of deception will unravel so that responsible officials can finally be held accountable. But if Holder and Obama get their way, little of substance is expected — let alone criminal prosecutions of senior officials.

Photo of Attorney General Eric Holder: AP Images

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