



Written by [Alex Newman](#) on August 4, 2014

## In Blow to Obama, Court Orders Release of Fast and Furious Info

In response to a lawsuit filed by government watchdog Judicial Watch, a federal court rejected legal arguments by the Obama administration and ordered the Justice Department to release certain information about “Fast and Furious” documents it is withholding from Congress and the public. Analysts and lawmakers have long argued that Obama and Attorney General Eric Holder, the latter of whom is still in criminal contempt of Congress, are trying to cover-up details in the deadly “Fast and Furious” scandal, which saw the Obama administration put thousands of weapons into the hands of Mexican drug cartels. The latest order could finally shed some light on what the executive branch is trying to hide.



Under [the order](#), issued last month by the U.S. District Court for the District of Columbia, the Department of Justice is required to produce a so-called “Vaughn index” of all documents and materials sought by Judicial Watch under the Freedom of Information Act (FOIA). The non-profit organization asked for all documents on Fast and Furious being withheld from Congress by the administration under claims of “executive privilege.” While the actual materials will not be released, DOJ will have to provide a detailed listing of all documents it is withholding by October 1, along with information on why the material is not being made available to the public or congressional investigators.

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The Justice Department fought hard to block Judicial Watch’s demands, seeking an indefinite delay until the House of Representative’s lawsuit against the administration for the same information was resolved by the courts. The administration has also been battling Congress in an effort to stonewall congressional investigations. In the end, though, the U.S. District Court for D.C. rejected the DOJ’s implausible claims that releasing the information in the Vaughn index would somehow upset “the delicate balance of powers” between Congress and the executive branch.

In fact, the judge noted that Congress and the executive branch, by passing FOIA in 1966, had intended to create the balance that now exists. “To the extent DOJ argues that the mere production of the Vaughn index — not involving the release of any documents in dispute — would alter the historical balance of powers between the branches, any unbalancing would result from FOIA itself, a law passed by Congress and signed into law by the President, and which this Court cannot ignore forever,” said the July 18 ruling by U.S. District Court Judge John Bates announced last week by Judicial Watch.

The battle has been raging for years. After Border Patrol agent Brian Terry was murdered in late 2010 with Fast and Furious weapons provided to cartels by the Obama administration, officials with the



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Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) went to Congress and the press to blow the whistle. Hundreds of Mexicans have also been killed with Fast and Furious guns. And official documents revealed that the White House was plotting to use the resulting bloodshed to push more infringements on the right to keep and bear arms.

After being exposed, the administration promptly entered cover-up mode, lying to Congress, defying subpoenas, denying knowledge of the plot, and refusing to hand over documents to congressional investigators. Eventually, Obama even claimed “executive privilege” in the summer of 2012 to justify the cover-up — a ploy that legal analysts said was dubious at best, especially because, as Judge Bates noted, the “deliberative process privilege” cited by the White House has never been formally recognized by higher courts. Holder was held in criminal contempt of Congress in a bipartisan vote for the attempted stonewalling. Meanwhile, the House filed a still-unresolved lawsuit in federal court to pry the documents from the administration.

“Once again, Judicial Watch has beat Congress to the punch in getting key information about another Obama scandal — this time, the Fast and Furious outrage,” said Judicial Watch President Tom Fitton in a statement. “A federal court has ordered the Obama administration to produce information that could, for the first time, provide specific details about who in the administration is responsible for Fast and Furious lies to Congress and the American people. This is a battle that put Eric Holder in contempt of Congress, saw Nixonian assertions of executive privilege by Barack Obama, and a hapless Congress in face of all this lawlessness. Finally, we may get some accountability for Border Patrol Agent Brian Terry and the countless others murdered as a result of the insanely reckless Obama administration program.”

Analysts say the partial victory in federal court after a 16-month delay will give the American people and their representatives a better chance to challenge Obama’s claims of “executive privilege.” Once the Vaughn index is produced, the public will know what is being withheld and under what pretext, providing an opportunity to rebut the claims and potentially secure access to the documents. Critics of the administration suspect that even more incriminating evidence surrounding Fast and Furious is contained in the materials that the administration is fighting so hard to keep secret.

Despite the establishment media’s efforts to avoid reporting on the Fast and Furious scandal, commentators also noted that the press may end up being forced to cover the story — ironically, right before the midterm elections in which Democrats are already expected to suffer major setbacks. Whether the administration has any more tricks up its sleeve to keep the cover-up going, though, remains to be seen. Legal analysts say an appeal by the DOJ is likely.

Photo shows part of a cache of seized weapons displayed at a news conference in Phoenix, Jan. 25, 2011: AP Images

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