



Written by [Alex Newman](#) on April 27, 2011

ATF Boss Threatened with Contempt Charge

As a congressional investigation of the Obama administration's "Project Gunrunner" scandal proceeds, Rep. Darrell Issa (R-Calif., picture, left) is threatening ATF Acting Director Kenneth Melson with contempt of Congress charges if he continues to defy a subpoena demanding documents. The controversial government operation being probed, known as "Fast and Furious," deliberately put high-powered weapons into the hands of known criminals — with tragic results.



The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Department of Justice have come under intense scrutiny in recent months as details of the ill-fated scheme emerged through whistleblowers and news reports. Some of the firearms the ATF essentially gave to the cartels likely ended up being involved in hundreds of murders on both sides of the U.S.-Mexico border. A few of those guns were even [involved](#) in the [deaths](#) of at least two federal law enforcement officers.

Despite the severity of the charges and the uproar being created, the Obama administration has refused to cooperate so far. But now, Congress is really turning up the heat.

"If you do not comply with the subpoena, the Committee will be forced to commence contempt proceedings," Rep. Issa, chairman of the House Oversight and Government Reform Committee, wrote in a letter to Melson last week after the Bureau missed an [April 13 deadline](#) to hand over the documents.

Congressional requests for relevant information have been [pending](#) for months. But when the Obama administration refused to submit documents for the investigation, Rep. Issa was [forced](#) to issue a subpoena on March 31.

The Department of Justice, however, continued to claim that it has an internal "policy" that prevents it from providing the information. But Rep. Issa and Sen. Charles Grassley (R-Iowa), who is also probing the scandal, say that won't cut it.

"Efforts by the Department of Justice and ATF to stonewall the committee in its investigation by erroneously, but matter-of-factly, citing an internal department policy as a preventative measure for denying access to documents have only enhanced suspicions that such officials have played a role in reckless decisions that have put lives at risk," Rep. Issa charged in the letter, noting that "inappropriate" decisions by "top Justice Department officials" allegedly contributed to the deaths of



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Mexicans and Americans.

On the Senate floor on April 14, Sen. Grassley made similar assertions. “The ATF is supposed to stop criminals from trafficking guns to Mexican drug cartels, [but] was actually making that trafficking of arms easier for them,” he [said](#). “That would be bad enough if it happened because of incompetence or turf battles, but it looks like the agency was doing this on purpose.” And with the help of whistleblowers and House Republicans, he intends to get to the bottom of it, no matter how much the Obama administration tries to block the probe.

Citing Supreme Court decisions and precedents in other investigations, Rep. Issa noted in his most recent letter that Congress was legally entitled to the information it was requesting. “As a co-equal branch of government, Congress has a right, even a constitutional obligation, to conduct oversight of the Executive Branch, including the Department of Justice,” he said. Plus, there is “no constitutional, statutory, or case law authority” that would allow the department to withhold evidence using the excuses it is citing.

Attached to the letter were several documents obtained by congressional investigators from whistleblowers and other sources. That evidence appears to prove that the ATF and the DOJ knew about the dangers of the program, but continued to pressure gun dealers into supplying the heavy weaponry to criminals — even after the sellers and ATF agents expressed concern on numerous occasions. And according to Issa, decisions about the program were “more than likely” made by DOJ officials “at the highest levels.”

The department claims to be conducting its own probe into the scandal. After the uproar about the program became deafening, Attorney General Eric Holder ordered his Inspector General to review the operation. But for Issa and others, that won’t suffice.

“Let me be clear: [W]e are not conducting a concurrent investigation with the Department of Justice, but rather an independent investigation of the Department of Justice — specifically, of allegations that the reckless and inappropriate decisions of Department officials have created a serious public safety hazard,” the letter stated. And it’s not going away.

Apparently Congress and whistleblowers don’t trust the DOJ’s ability to properly investigate itself. “The committee continues to pursue this matter vigorously, in part, because concerned individuals have indicated they do not have confidence in the department’s ability to review the actions of its own top officials,” Rep. Issa noted in his letter to ATF boss Melson.

The Obama administration insists that the controversial program was supposed to keep track of the weapons in an effort to bust gun smuggling networks. But [allegations](#) appearing in recent weeks [claim](#) that officials may have deliberately allowed the guns to end up with criminals in an effort to [demonize](#) the Second Amendment and impose [further restrictions](#) on Americans’ right to keep and bear arms.

The outcry surrounding the scandal is growing louder every day. Gun-rights groups in particular are furious about the administration’s stonewalling, with some calling for the immediate resignation of ATF director Melson.

“President Obama promised to give Americans a transparent administration when he took office, but the only thing transparent about this scandal is the administration’s obvious effort to ignore the investigation until it goes away,” asserted Alan Gottlieb, chairman of the Citizens Committee for the Right to Keep and Bear Arms. “If the administration has nothing to hide, the White House would immediately order the Justice Department and ATF to open their files to the Capitol Hill investigations.”



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Gottlieb said Obama had a “credibility problem” and that Melson should step down for failing to respond to the subpoena. “We’re waiting for the White House to tell us that ‘this isn’t Watergate,’ and they would be right,” he added. “Nobody got killed because of Watergate. The geniuses who allowed Gunrunner to get out of control can’t say that.”

If contempt proceedings end up moving forward, a grand jury would be formed in Washington. A conviction for contempt of Congress [could](#) result in Obama administration officials paying hefty fines — or even serving time in jail. The ATF said Rep. Issa’s last letter was “being reviewed.”



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