



Written by [Raven Clabough](#) on April 30, 2012

Republicans Prepare Contempt Citation Against Eric Holder

Republicans in the United States House of Representatives have been investigating the debauched Fast and Furious scandal for over a year and have uncovered a plethora of unsettling details. Some of the revelations from the scandal have been incriminating for Attorney General Eric Holder and the Justice Department. As a result, senior congressional aides have indicated that House Republicans will be pursuing a [contempt citation](#) against Holder, accusing him and the entire Justice Department of obstructing the investigation.



The drafted contempt of Congress citation charges that the Justice Department and Holder have repeatedly “obstructed and slowed” the congressional investigation into Operation Fast and Furious.

Operation Fast and Furious involved the Bureau of Alcohol, Tobacco, Explosives and Firearms secretly permitting guns to fall into the hands of Mexican drug cartels in the hopes that it would lead to the “big fish” inside of the drug cartels. Operation Fast and Furious was launched in 2009 in an effort to target major gunrunners. The plan was to follow gun purchasers in the hopes that the suspects would lead the ATF to major heads of Mexican cartels. Unfortunately, those same deadly weapons were found at crime scenes in both Mexico and the United States, and were involved in the murder of Border Patrol Agent Brian Terry last year.

Investigation into the operation revealed that there was an [insidious agenda](#) behind the gunwalking operation. CBS News obtained documents that show the ATF discussed using the Operation Fast and Furious to advocate for further gun legislation.

CBS News reports:

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 U.S. gun shops to report the sale of multiple rifles or “long guns.” Demand Letter 3 was so named because it would be the third ATF program demanding gun dealers report tracing information.

CBS found letters that confirmed that ATF had hoped to advocate for further gun regulations by allowing the illegal guns to be walked. A July 14, 2010 letter written from ATF Field Ops Assistant Director Mark Chait emailed ATF’s Phoenix Special Agent Bill Newell, who was operating Fast and Furious, and said, “Bill—can you see if these guns were all purchased from the same (licensed gun dealer) and at one time. We are looking for anecdotal cases to support a demand letter on a long gun multiple sales. Thanks.”

Attorney General Holder has done his best to distance himself from the failed gunwalking operation that has prompted an investigation into the Bureau of Alcohol, Tobacco, and Firearms. However, one week



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ago, Senator Charles Grassley of Utah, a ranking Republican on the Senate Judiciary Committee, distributed five separate memos from July and August of 2010 addressed to Holder, which cites Operation Fast and Furious by name. The documents implicate Holder, proving he likely knew about Operation Fast and Furious for at least a year.

Holder denied having had any knowledge of Fast and Furious prior to the public controversy of the operation.

"I have no recollection of knowing about 'Fast and Furious' or of hearing its name prior to the public controversy about it. Prior to early 2011, I certainly never knew about the tactics employed in the operation," claimed Holder.

But according to Rep. Darrell Issa, who has headed the congressional investigation of Fast and Furious, Holder "has failed to give Congress and the American people an honest account of what he and others knew about gun-walking and Operation Fast and Furious." Issa called Holder's lack of honesty "deeply disturbing."

"If Attorney General Holder had said these things five months ago when Congress asked him about 'Operation Fast and Furious,' it might have been more believable," Issa's spokesman said. "At this point, however, it's hard to take at face value a defense that is factually questionable, entirely self-serving, and a still incomplete account of what senior Justice Department officials knew about gun walking."

The citation filed by House Republicans would force Holder to turn over thousands of pages of documents connected to the House investigation, which is already in its second year.

"The department's refusal to work with Congress to ensure that such a mistake [as Fast and Furious] is never repeated is inexcusable and cannot stand," Issa's drafted contempt of Congress citation reads. "Those responsible for allowing Fast and Furious to proceed and those who are preventing the truth about the operation from coming out must be held accountable for their actions."

House Speaker John Boehner, an Ohio Republican, was provided a 48-page long draft by Issa, who heads the House Oversight and Government Reform Committee.

"While there are very legitimate arguments to be made in favor of such an action, no decision has been made to move forward with one by the Speaker or by House Republican leaders," a Republican leadership aide said.

As reported by congressional staffers, leadership approval is not necessary in order for the Oversight panel to continue, but Boehner would have to approve any vote taken by the full House of Representatives.

If the contempt resolution was to pass, Congress could seek enforcement through federal courts, though some contend that a passage of the resolution by itself would likely compel the Justice Department to comply without the need for a court order.

As noted by CBS News, the process is a risky one, particularly if it is not successful. CBS News reports, "Sources say that's why Republican staffers have taken a great deal of time trying to build support among colleagues in advance of the citation's formal release, which could come in the next few weeks if not sooner."

Contempt citations against the executive branch have been used by both parties, but in rare cases.



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Democrats used it against the George W. Bush administration after failing to comply with congressional subpoenas pertaining to the firing of U.S. attorneys in 2008. Republicans voted to hold Bill Clinton's Attorney General Janet Reno in contempt over documents related to campaign finance law violations.

Rep. Elijah Cummings has slammed the GOP for what he calls "an election year witch hunt against the Obama administration."

"Leaking a draft contempt citation that members of our committee have never seen suggests that you are more interested in perpetuating your partisan political feud in the press than in obtaining any specific substantive information relating to the committee's investigation," said Rep. Elijah Cummings, referring to a report in the [Los Angeles Times](#), which first reported the plan.

"These actions undermine the credibility of the Committee, as well as the integrity and validity of any contempt actions the Committee ultimately may choose to adopt in the future.



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