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Holder Doesn't Turn Over Subpoenaed Documents

By Richard A. Serrano
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WASHINGTON — Last-minute talks to stave off a House committee vote finding Eric H. Holder Jr. in contempt of Congress broke down when the attorney general failed to provide subpoenaed documents to the panel in its ongoing investigation into the ATF's flawed Fast and Furious gun-tracking.

Holder and Rep. Darrell Issa (R-Calif.), chairman of the House Committee on Oversight and Government Reform, met for about 20 minutes Tuesday evening in an extraordinary bargaining session in the House majority leader's Capitol office. They emerged with Issa saying the attorney general told him the Department of Justice "would not be producing" some 1,300 pages of documents the committee had subpoenaed regarding Fast and Furious.

But Holder said after the brief session that Issa rejected his proposal to allow the committee to "review" the documents first, predicting that it would persuade them to not go ahead with the contempt vote, now set for 10 a.m. Wednesday. Issa contends Holder made no such offer.

The constitutional standoff between the two branches of government — the GOP-led House and the Obama administration — likely will end with a vote in favor of contempt, as 23 Republicans sit on the oversight committee compared with 17 Democrats.

In addition, House Republican leaders have done head counts showing that a House floor vote probably would pass as well.

Trey Gowdy, a South Carolina Republican on the committee, said the dispute came down to receiving all of the documents by 9:59 a.m. Wednesday, or else.

"Anything short of full compliance would be unsatisfactory to me and to a number of other committee members," Gowdy said.



“This is not a bridge tournament.”

“We’re not haggling over a used car.”

Added Issa: “After this meeting, I cannot say that I am optimistic.”

But Holder said he still hoped the committee would agree to his proposal to review the papers first. “The ball’s in their court,” he said. “the documents have been accumulated and they are there.”

Asked whether he feared Issa had already made up his mind on the contempt vote,

Holder said, “This has become more political gamesmanship.”

According to congressional sources, the meeting began with Holder praising the committee’s work on Fast and Furious but then saying the investigation need to come to an end. Issa responded by accusing the attorney general of misleading the committee, both in testimony and letters to Congress, according to the sources, who refused to be identified because they weren’t authorized to speak publicly.

The committee chairman has targeted his investigation into how much the Justice Department knew About Fast and Furious and whether Washington officials approved the gun-tracking operation in Arizona.

Holder at first told Congress that the Bureau of Alcohol, Tobacco, Firearms and Explosives did not purposely allow illegal gun sales on the Southwest border, but later acknowledged that guns vanished under Fast and Furious.

The operation's intent was to track firearms to Mexican drug cartels, but the ATF lost track of most of them.

A draft of the subpoena originally called for the production of 7,000 pages of documents. Issa later narrowed the demand to 1,300 pages.

Fast and Furious began in fall 2009 and was supervised out of the ATF's Phoenix office. Agents allowed up to 2,500 illegal gun sales in the area, intending to follow the weapons over the border.

But most of them were lost, and scores were recovered later at violent crime scenes in Mexico. Two of the firearms were found in desert brush after U.S. Border Patrol Agent Brian Terry was killed south of Tucson in December 2010.