

Attorney General Eric Holder is poised to become the first Attorney General in U.S. history to be held in contempt of Congress. But he has left us no choice. The Attorney General is not above the law, and he is deliberately and flagrantly refusing to comply with a duly issued congressional subpoena.

This week the House Oversight and Government Reform Committee held Attorney General Eric Holder in contempt of Congress for failing to provide subpoenaed documents relating to the Fast and Furious operation. The full House will vote next week. As I [previously discussed](#), the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) coordinated this program with other agencies to allow drug trafficking organizations to obtain weapons through low-ranking purchasers, with the goal of tracking the serial numbers of those guns and catching the top leaders of these organizations. The operation failed as dozens of weapons left the ATF's surveillance without anyone higher than the known purchasers being arrested. Tragically, it also resulted in the murder of a U.S. Border patrol agent at the hands of someone using one of the guns ATF allowed to walk.

The Committee's decision to find Attorney General Holder in contempt came after serious questions were raised concerning when and what senior Department of Justice officials knew about the ill-conceived operation. These concerns escalated after the Department rescinded a letter sent to the Committee on February 4, 2011, after acknowledging that it falsely stated that the Department was unaware of the operation. In a development before the contempt vote, President Obama invoked executive privilege over all related Justice Department documents that were sent after that letter, arguing that handing them over to Congress would undermine the deliberative process within the Executive Branch. But many constitutional experts argue this claim is dubious because the White House has said they were not involved in decisions relating to Fast and Furious. (The argument for invoking executive privilege is generally strongest when White House advisors are involved.) It appears that the Justice Department is merely hoping to avoid embarrassment that would result from greater exposure of their misguided policy.

I strongly believe the American people deserve answers from Attorney General Holder and his Justice Department about their role in the development and execution of the Fast and Furious operation. Unfortunately, the Attorney General has repeatedly tried to stonewall the Committee's investigation rather than be forthcoming by turning over all related documents. Meanwhile, the President's highly questionable assertion of executive privilege only cemented my concern that the Administration may have something to hide. After the Committee vote, House Speaker John Boehner announced that the House will vote next week to formally hold Attorney General Holder in contempt. Barring a sharp reversal from the Attorney General in which he provides the requested documents, I plan to vote in favor of holding him in contempt. I

will provide you an update on this important issue as events play out next week.