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Congress of the United States

House of Representatives

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April 27, 2012

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

According to a Los Angeles Times story published yesterday, you have drafted a 48-page contempt citation for the Attorney General relating to the Committee's investigation into Operation Fast and Furious, and a copy of this document has already been provided to the press and to House Speaker John Boehner's office even before being distributed to Members of our own Committee.¹

Holding someone in contempt of Congress is one of the most serious and formal actions our Committee can take, and it should not be used as a political tool to generate press as part of 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. 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.

Unfortunately, your latest actions appear to be part of a larger and more troubling pattern. Last July, you boasted with respect to a different investigation that your aggressive actions against the President and the White House would be "good theater."² Similarly, one of your

¹ *Republicans Seek to Hold Attorney General in Contempt Over Fast and Furious*, Los Angeles Times (Apr. 26, 2012) (online at www.latimes.com/news/nationworld/nation/la-na-holder-contempt-20120427,0,3641424.story).

² *House Panel to Probe DNC's Obama Ad*, Washington Times (July 25, 2011) (online at www.washingtontimes.com/news/2011/jul/25/issa-panel-will-probe-dnc-obama-campaign-video/).

subcommittee chairmen asserted that investigating Solyndra was designed to influence the upcoming Presidential election, stating, "Ultimately, we'll stop it on Election Day."³

I strongly believe in fair and even-handed oversight if there are credible allegations of wrongdoing—regardless of whether those implicated are Democrats or Republicans—but the official resources provided to this Committee by U.S. taxpayers must not be used for partisan political purposes.

As you know, in January, I issued a 90-page staff report documenting in detail how Operation Fast and Furious was the latest in a series of misguided gunwalking operations that originated in 2006 in the Phoenix Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives. As the report explained, these operations continued for five years until our Committee exposed and ended them, an accomplishment for which I have commended you.⁴

Contrary to your repeated claims, the report explained that the Committee has obtained no evidence that the Attorney General authorized, approved of, or was aware of gunwalking. None of the two dozen witnesses interviewed by the Committee contradict that finding.

For all of these reasons, I request that you immediately provide to me and all other Members of the Committee a copy of the same draft contempt citation that was provided to Speaker Boehner's office and the Los Angeles Times, and that you strive to ensure the fairness and legitimacy of our proceedings and actions.

I continue to hope that we can work together to obtain any additional information necessary to our investigation in a cooperative and bipartisan manner that does not compromise ongoing criminal investigations and prosecutions. Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member

³ *Jim Jordan Suggests Elections Drive Solyndra Investigation*, Huffington Post (Apr. 27, 2012) (online at www.huffingtonpost.com/2012/03/22/jim-jordan-solyndra-investigation-elections_n_1372205.html).

⁴ Report of the Minority Staff, House Committee on Oversight and Government Reform, *Fatally Flawed: Five Years of Gunwalking in Arizona* (January 2012) (online at http://democrats.oversight.house.gov/index.php?option=com_content&task=view&id=5575&Itemid=104).