



HOLDER BEGS COURT TO STOP DOCUMENT RELEASE ON FAST AND FURIOUS



by MATTHEW BOYLE (COLUMNISTS/MATTHEW-BOYLE) | 17 Jan 2013 925

POST A COMMENT (/BIG-GOVERNMENT/2013/01/17/HOLDER-BEGS-COURT-TO-INDEFINITELY-DELAY-LAWSUIT-FIGHTING-FOR-RELEASE-OF-OBAMA-S-EXECUTIVE-PRIVILEGE-FAST-AND-FURIOUS-DOCUMENTS#COMMENTS)

MORE: FAST & FURIOUS DEPARTMENT OF JUSTICE SCANDAL (HTTP://WWW.BREITBART.COM/TOPICS/5A57C23865BEDA6C044B157AA375002D/FAST-AND-FURIOUS-DEPARTMENT-OF-JUSTICE-SCANDAL)



Attorney General Eric Holder and his Department of Justice have asked (<http://www.scribd.com/doc/120506044/Def-s-Motion-to-Stay>) a federal court to indefinitely delay a lawsuit brought by watchdog group Judicial Watch. The lawsuit seeks the enforcement of open records requests relating to Operation Fast and Furious, as required by law.

Judicial Watch had filed, on June 22, 2012, a Freedom of Information Act (FOIA) request seeking all documents relating to Operation Fast and Furious and “specifically [a]ll records subject to the claim of executive privilege invoked by President Barack Obama on or about June 20, 2012.”

The administration has refused to comply with Judicial Watch’s FOIA request, and in mid-September the group filed a lawsuit (<http://www.scribd.com/doc/105837541/Filed-Complaint>) challenging Holder’s denial. That lawsuit remains ongoing but within the past week President Barack Obama’s administration filed what’s called a “motion to stay” the suit. Such a motion is something that if granted would delay the lawsuit indefinitely.

Judicial Watch President Tom Fitton said that Holder’s and Obama’s desire to continually hide these Fast and Furious documents is “ironic” now that they’re so gung-ho on gun control. “It is beyond ironic that the Obama administration has initiated an anti-gun violence push as it seeking to keep secret key documents about its very own Fast and Furious gun walking scandal,” Fitton said in a statement (<http://www.judicialwatch.org/press-room/press-releases/obama-justice-department-seeks-to-stall-judicial-watches->

5333

145

93.6K

34

217

[Email Article](#)
[Print article](#)
[Send a Tip](#)

(/System/Breitbart%20Send%20A%20Tip?page=%2fBig-Government%2f2013%2f01%2f17/Holder-begs-court-to-indefinitely-delay-group-s-lawsuit-fighting-for-release-of-Obama-s-executive-privilege-Fast-and-Furious-documents)

BREITBART VIDEO PICKS

CBS'S MAJOR GARRETT ASKS PRESIDENT OBAMA IS VLADIMIR PUTIN MOCKING YOU AND THE U.S. MILITARY



MOST POPULAR

- [The Eyes of the BLM are on Texas' Land](http://www.breitbart.com/Breitbart-Texas/2014/04/21/The-Eyes-of-the-Blm-are-on-Texas/) (<http://www.breitbart.com/Breitbart-Texas/2014/04/21/The-Eyes-of-the-Blm-are-on-Texas/>)
1674 comments · 0 minutes ago
- [Bundy Family Posts Photo Of Dead Cow Euthanized By BLM](http://www.breitbart.com/InstaBlog/2014/04/20/Bundy-Family-Posts-Photo-Of-Dead-Cow-Euthanized-By-Blm/) (<http://www.breitbart.com/InstaBlog/2014/04/20/Bundy-Family-Posts-Photo-Of-Dead-Cow-Euthanized-By-Blm/>)
2526 comments · 4 minutes ago
- [PETA Hits BLM Over Mass Cattle Grave](http://www.breitbart.com/Big-Government/2014/04/21/PETA-Hits-Blm-Over-Mass-Cattle-Grave/) (<http://www.breitbart.com/Big-Government/2014/04/21/PETA-Hits-Blm-Over-Mass-Cattle-Grave/>)
557 comments · 0 minutes ago
- [Exclusive: Inside the Bundy Ranch and the Fight Against Government Overreach](http://www.breitbart.com/Big-Government/2014/04/19/Bundy-Ranch-BBQ/) (<http://www.breitbart.com/Big-Government/2014/04/19/Bundy-Ranch-BBQ/>)
6616 comments · 13 minutes ago
- [Entertaining Sarah Palin TV Show Features Pirates, Taxidermy, Armor, Fire](http://www.breitbart.com/Breitbart-Sports/2014/04/20/Entertaining-Sarah-Palin-TV-Show-Features-Pirates-Taxidermy-Armor-Fire/) (<http://www.breitbart.com/Breitbart-Sports/2014/04/20/Entertaining-Sarah-Palin-TV-Show-Features-Pirates-Taxidermy-Armor-Fire/>)
403 comments · 0 minutes ago

[lawsuit-seeking-access-to-fast-and-furious-records/](#)). “Getting beyond the Obama administration’s smokescreen, this lawsuit is about a very simple principle: the public’s right to know the full truth about an egregious political scandal that led to the death of at least one American and countless others in Mexico. The American people are sick and tired of the Obama administration trying to rewrite FOIA law to protect this president and his appointees. Americans want answers about Fast and Furious killings and lies.”

The only justification Holder uses to ask the court to indefinitely delay Judicial Watch’s suit is that there’s another lawsuit ongoing for the same documents – one filed by the U.S. House of Representatives. Judicial Watch has [filed a brief \(http://www.scribd.com/doc/120838930/Response-to-Motion-to-Stay\)](http://www.scribd.com/doc/120838930/Response-to-Motion-to-Stay) opposing the DOJ’s motion to stay.

As the House Committee on Oversight and Government Reform was voting Holder into contempt of Congress for his refusal to cooperate with congressional investigators by failing to turn over tens of thousands of pages of Fast and Furious documents, Obama asserted the executive privilege over them. The full House of Representatives soon after voted on a bipartisan basis to hold Holder in contempt.

There were two parts of the contempt resolution. Holder was, and still is, in both civil and criminal contempt of Congress. The criminal resolution was forwarded to the U.S. Attorney for the District of Columbia Ronald Machen—who works for Holder—for prosecution. Despite being technically required by law to bring forth criminal charges against Holder, under orders from Holder’s Department of Justice Machen [chose to ignore \(http://dailycaller.com/2012/06/29/grassley-politics-in-us-attorneys-holder-decision/\)](http://dailycaller.com/2012/06/29/grassley-politics-in-us-attorneys-holder-decision/) the resolution.

The second part of the contempt resolution—civil contempt of Congress—allowed House Republicans to hire legal staff to challenge President Obama’s assertion of the executive privilege. That lawsuit remains ongoing despite Holder’s and the DOJ’s attempt to dismiss it and settle it.

It’s unclear what’s in the documents Obama asserted privilege over, but the president’s use of the extraordinary power appears weak. There are two types of presidential executive privilege: the presidential communications privilege and the deliberative process privilege. Use of the presidential communications privilege would require that the president himself or his senior-most advisers were involved in the discussions.

Since the president and his cabinet-level officials continually claim they had no knowledge of Operation Fast and Furious until early 2011 when the information became public—and Holder claims he didn’t read the briefing documents he was sent that outlined the scandal and how guns were walking while the operation was ongoing—Obama says he’s using the [less powerful deliberative process \(http://dailycaller.com/2012/06/26/issa-to-obama-either-youre-involved-in-fast-and-furious-or-your-executive-privilege-claim-is-unjustified/\)](http://dailycaller.com/2012/06/26/issa-to-obama-either-youre-involved-in-fast-and-furious-or-your-executive-privilege-claim-is-unjustified/) privilege.

The reason why Obama’s assertion of that deliberative process privilege over these documents is weak at best is because the Supreme Court has held that such a privilege assertion is invalidated by even the suspicion of government wrongdoing. Obama, Holder, the Department of Justice, the Bureau of Alcohol, Tobacco, Firearms and Explosives and virtually everyone else involved in this scandal have admitted that government wrongdoing actually took place in Operation Fast and Furious.

In Fast and Furious, the ATF “walked” about 2,000 firearms into the hands of the Mexican drug cartels. That means through straw purchasers they allowed sales to happen and didn’t stop the guns from being trafficked even though they had the legal authority to do so and were fully capable of doing so.

Border Patrol Agent Brian Terry and hundreds of Mexican citizens—estimates put it around at least 300—were killed with these firearms.

The Fast and Furious scandal and more is covered in detail in the *New York Times* best-selling book *Corruption Chronicles* (<http://corruptionchronicles.com/book/>).



Fox News National

[Texas group that hunts for missing persons sues FAA over its use of unmanned aircraft \(http://feeds.foxnews.com/~r/foxnews/national/~3/PCh7tN95eFU/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/PCh7tN95eFU/)

21 Apr 2014, 2:42 PM PDT

[Shooting erupts at Calif. motel, police say \(http://feeds.foxnews.com/~r/foxnews/national/~3/nAieZEeN15Q/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/nAieZEeN15Q/)

21 Apr 2014, 2:34 PM PDT

[Oklahoma Supreme Court stays execution of 2 death row inmates who challenged execution secrecy \(http://feeds.foxnews.com/~r/foxnews/national/~3/yOf9pUKVirM/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/yOf9pUKVirM/)

21 Apr 2014, 2:02 PM PDT

[Australian man asks US government to reopen green card case after his American husband dies \(http://feeds.foxnews.com/~r/foxnews/national/~3/ssvBLtBIS8/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/ssvBLtBIS8/)

21 Apr 2014, 2:00 PM PDT

[Russian nuclear inspectors visit Montana launch facilities \(http://feeds.foxnews.com/~r/foxnews/national/~3/rFTfBwJn10/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/rFTfBwJn10/)

21 Apr 2014, 1:56 PM PDT



(/System

[/Breitbart%20Send%20A%20Tip?page=%2fB-Government%2f2013%2f01%2f17%2fHolder-begs-court-to-indefinitely-delay-group-s-lawsuit-fighting-for-release-of-Obama-s-executive-privilege-Fast-and-Furious-documents\)](http://Breitbart.com/20Send%20A%20Tip?page=%2fB-Government%2f2013%2f01%2f17%2fHolder-begs-court-to-indefinitely-delay-group-s-lawsuit-fighting-for-release-of-Obama-s-executive-privilege-Fast-and-Furious-documents)

SIGN UP FOR OUR NEWSLETTER

[SUBSCRIBE](#)

925 Comments

Breitbart News Network

 Login

Sort by Oldest

Share  Favorite 

Join the discussion...

**magsthecat** · a year ago

Time for impeachment.....what are this narcissistic AHs hiding? Obama is destroying this country. Where are our Congressional representative?????

1588 | · Reply · Share >

**Chase O'** → magsthecat · a year ago

Maybe it is things such as this law suit that made President Obama say what was it last week now or a big longer that he 'Hoped' he would be president a few years from now? I remember a few news article about that seems as the journalist were puzzled by his statement or words.

Yes, I too hope we get to the bottom of this issue I don't need to say it but if a Repub was the President this is all the media would be talking about, the secretive, corrupt admin of Repub. president so and so. But for now the media keeps their wagons circled around this sad sac of a president.

982 | · Reply · Share >

**ObamaEnemyWithin** → Chase O' · a year ago

Obama is the biggest friking lying piece of cow dung in history.

1072 | · Reply · Share >

**Pendog** → ObamaEnemyWithin · a year ago

Later today, Holder is having a press conference surrounded by Mexican children that have written him letters asking him send more assault weapons. The cartels are running out.

1092 | · Reply · Share >

**Countryboy14** → ObamaEnemyWithin · a year ago

I love the smell of Holder begging in the morning!

512 | · Reply · Share >

**foxnewslieseveryday** → Countryboy14 · a year ago

Where in the piece did Holder "Beg"?

4 | · Reply · Share >

**Jenni** → foxnewslieseveryday · a year ago

It is a protocol to "beg" the court for permission.

21 | · Reply · Share >

**Charles Thomas Galbraith** → Countryboy14 · a year ago

Almost overwhelms the stench of B.O. in Washington.

27 | · Reply · Share >

**Trikke** → ObamaEnemyWithin · a year ago

Tell us what you REALLY think! LOL.

Yes, he is exactly that! The reason he is the biggest, friking, lying piece of cow dung in history is that he has a LOT to hide. The libtard Media should be hanged right along side the lot of this administration for high treason for aiding and abetting this dirt-bag-in-chief.

334 | · Reply · Share >

**HughJerekshun** → ObamaEnemyWithin · a year ago

That's what the liberals like best about him - he's just like the rest

FROM OUR PARTNERS



Fox News Politics

US weighs curbing deportations for illegal immigrants without serious criminal records
[\(http://feeds.foxnews.com/~r/foxnews/politics/~3/YFfP_bz1CIM/\)](http://feeds.foxnews.com/~r/foxnews/politics/~3/YFfP_bz1CIM/)

21 Apr 2014, 4:03 PM PDT

US spy chief James Clapper prohibits employees from speaking with media, memo says
[\(http://feeds.foxnews.com/~r/foxnews/politics/~3/KBAPik8mOKk/\)](http://feeds.foxnews.com/~r/foxnews/politics/~3/KBAPik8mOKk/)

21 Apr 2014, 3:52 PM PDT

Congressional Budget Office projections on ObamaCare raise questions about future enrollment
[\(http://feeds.foxnews.com/~r/foxnews/politics/~3/fhg9HudMYOw/\)](http://feeds.foxnews.com/~r/foxnews/politics/~3/fhg9HudMYOw/)

21 Apr 2014, 3:08 PM PDT

Fox News Poll: Independents more likely to back anti-ObamaCare candidates
[\(http://feeds.foxnews.com/~r/foxnews/politics/~3/2HNZryTXz7o/\)](http://feeds.foxnews.com/~r/foxnews/politics/~3/2HNZryTXz7o/)

21 Apr 2014, 2:45 PM PDT

Chris Christie named a father of the year
[\(http://feeds.foxnews.com/~r/foxnews/politics/~3/iGFSJAdDMcE/\)](http://feeds.foxnews.com/~r/foxnews/politics/~3/iGFSJAdDMcE/)

21 Apr 2014, 1:22 PM PDT



Fox News National

Texas group that hunts for missing persons sues FAA over its use of unmanned aircraft
[\(http://feeds.foxnews.com/~r/foxnews/national/~3/PCh7tN95eFU/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/PCh7tN95eFU/)

21 Apr 2014, 2:42 PM PDT

Shooting erupts at Calif. motel, police say
[\(http://feeds.foxnews.com/~r/foxnews/national/~3/nAieZEeN15Q/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/nAieZEeN15Q/)

21 Apr 2014, 2:34 PM PDT

Oklahoma Supreme Court stays execution of 2 death row inmates who challenged execution secrecy
[\(http://feeds.foxnews.com/~r/foxnews/national/~3/yOf9pUKVirM/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/yOf9pUKVirM/)

21 Apr 2014, 2:02 PM PDT

Australian man asks US government to reopen green card case after his American husband dies
[\(http://feeds.foxnews.com/~r/foxnews/national/~3/ssvBLtfBIS8/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/ssvBLtfBIS8/)

21 Apr 2014, 2:00 PM PDT

Russian nuclear inspectors visit Montana launch facilities
[\(http://feeds.foxnews.com/~r/foxnews/national/~3/rFTffBWJn10/\)](http://feeds.foxnews.com/~r/foxnews/national/~3/rFTffBWJn10/)

21 Apr 2014, 1:56 PM PDT



Fox News Sports

Bulls try to pull even with Wizards after dropping opener of first-round series
[\(http://feeds.foxnews.com/~r/foxnews/sports/~3/9ENT1JazJwo/\)](http://feeds.foxnews.com/~r/foxnews/sports/~3/9ENT1JazJwo/)

21 Apr 2014, 3:41 PM PDT

Canadiens credit balanced attack for 3-0 series lead over Lightning
[\(http://feeds.foxnews.com/~r/foxnews/sports/~3/tD7XsOpCY54/\)](http://feeds.foxnews.com/~r/foxnews/sports/~3/tD7XsOpCY54/)

21 Apr 2014, 3:39 PM PDT

Detroit Lions sign CBs Aaron Hester and Nate Ness
[\(http://feeds.foxnews.com/~r/foxnews/sports/~3/7v5eZQg_Qw/\)](http://feeds.foxnews.com/~r/foxnews/sports/~3/7v5eZQg_Qw/)

21 Apr 2014, 3:33 PM PDT

Woodson, Corbin fired, Adelman retires as 3 NBA coaches depart
[\(http://feeds.foxnews.com/~r/foxnews/sports/~3/KwddzKryNO0/\)](http://feeds.foxnews.com/~r/foxnews/sports/~3/KwddzKryNO0/)

21 Apr 2014, 3:30 PM PDT

Birthday coming up fast, Tim Duncan enjoys Spurs' latest playoff run
[\(http://feeds.foxnews.com/~r/foxnews/sports/~3/7avW-fMIic/\)](http://feeds.foxnews.com/~r/foxnews/sports/~3/7avW-fMIic/)

21 Apr 2014, 3:23 PM PDT