

You are currently viewing the printable version of this article, to return to the normal page, please [click here](#).

56  SIZE: + / -  PRINT |  REPRINTS



By [Kelly Riddell](#) - The Washington Times

Tuesday, April 8, 2014

Attorney General Eric Holder blamed “the gun lobby” for being behind his 2012 contempt vote in Congress, in one of many heated exchanges with House Republicans Tuesday.

The Republican-led House voted in 2012 to hold Mr. Holder in contempt of Congress — the first time ever for a sitting Cabinet member — for failing to provide key information about the “Operation Fast and Furious” gun-walking scandal.

In an oversight hearing Tuesday of the House Committee on the Judiciary, Mr. Holder said his contempt vote was “all about the gun lobby,” during a heated exchange with Rep. Louie Gohmert, Texas Republican.

Congress is still waiting for information from the Justice Department about the scandal, and Mr. Gohmert questioned whether the contempt vote meant anything to Mr. Holder.

“You don’t want to go there, buddy” a visibly upset Mr. Holder said, waving his finger at Mr. Gohmert. “You should not assume that is not a big deal to me.”

Mr. Gohmert replied that Congress is trying to get to the bottom of the scandal and that he didn’t need any lectures from Mr. Holder on what contempt meant to him.

“And I don’t need lectures from you, either,” the attorney general replied.

Mr. Holder came under fire as members of the House committee questioned him on the legality of executive overreach, noting the Justice Department’s stance on the legalization of marijuana in some states, its universal decision to reduce prison sentencing for low-level drug offenders, and the Obama administration’s continual delays in implementing the Affordable Care Act, commonly known as Obamacare.

“The Justice Department has the responsibility to provide legal advice, including constitutional analyses, to the executive branch,” said Rep. Bob Goodlatte, Virginia Republican and committee chairman. “I find it ironic, then, that the department has chosen on multiple occasions to act in contravention of the Constitution and congressionally-enacted federal law.”

Mr. Goodlatte cited the Justice Department’s decision not to enforce the Controlled Substances Act in states that have legalized the recreational and medicinal use of marijuana, which remains an illegal drug under federal law. He also noted Justice’s directive to federal prosecutors to decline charging an offender with an illicit drug quantity that would trigger a mandatory minimum sentence if the defendant meets certain criteria.

Other members of Congress cited President Obama’s unilateral decision to delay aspects of his signature health care law as a constitutional violation.

In defending the administration, Mr. Holder said he has leeway in deciding what cases the department will prosecute.

“There is a vast amount of discretion that a president has — and more specifically that an attorney general has,” Mr. Holder said. “But that discretion has to be used in an appropriate way so that your acting consistent with the aims of the statute but at the same time making sure that you are acting in a way that is consistent with our values, consistent with the Constitution and protecting the American people.”

Mr. Holder told lawmakers interested in knowing the legal basis for Mr. Obama’s delay of the Affordable Care Act’s employer mandate — despite a clear enactment date set in the law — to ask the Treasury Department for its rationale.

“The Treasury Department had looked at it and determined that there was a legal basis [for the mandate delay],” Mr. Holder told Rep. Steve Chabot, Ohio Republican, during another testy exchange in the hearing. He said the Justice Department doesn’t generally disclose the legal analyses it provides to the president.

You are currently viewing the printable version of this article, to return to the normal page, please [click here](#).

tax-exempt division while it was unfairly targeting conservative and libertarian groups, is unlikely to face a criminal investigation.

"I will simply say that we have followed the facts of the law in making our prosecutive determinations and making our investigatory decisions," Mr. Holder said. "This is an administration — this is a Justice Department that I have run and I am proud of."

Rep. James Sensenbrenner, an architect of the Patriot Act, asked Mr. Holder why he isn't pursuing a prosecution of Director of National Intelligence James R. Clapper for perjury for his testimony to a Senate committee last year denying that U.S. intelligence agencies were gathering massive amounts of data about Americans' electronic communications.

"What more do you need besides an admission from Gen. Clapper that he lied?" Mr. Sensenbrenner, Wisconsin Republican, asked referring to Mr. Clapper's later admission that his remark was "the least untruthful" answer he could give.

Mr. Holder declined to say whether the Justice Department is pursuing an investigation, and Mr. Sensenbrenner said the department's inaction raises doubts about whether Congress will try to pass any new intelligence bills.