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Congress of the United States

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June 18, 2012

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Mr. Attorney General:

Thank you for today's letter and your willingness to meet tomorrow. The Committee will make its facilities in 2157 Rayburn available at 5 p.m. for this discussion.

So that expectations for this meeting are clear, and as I previously indicated in my June 15, 2012, letter, only the delivery of documents outlined and offered by the Department of Justice last Thursday to staff will be sufficient to justify a postponement of Wednesday's scheduled vote. As the Department has not yet produced these documents – and unless it does so tomorrow morning – I will not be able to offer you the Committee's assessment of them at tomorrow's meeting.

The Department earlier indicated that the subset of pages it is prepared to produce numbers less than the 1,300 pages that were previously delivered to the Committee concerning the preparation of the February 4, 2011, letter that falsely denied reckless tactics. Thus far, the Department has also declined to specify how many pages from this period it intends to withhold from the full category of documents between February 4 and December 2, 2011.

The Department has also failed to provide a log that includes descriptions of documents, the dates they were created, who created them, and individualized explanations for why the Department believes these documents should not be produced pursuant to the subpoena. Only the Department knows what it possesses. A full understanding of the post-February 4, 2011, documents under subpoena that the Department is not prepared to produce is essential for the Committee to determine whether the Department has substantially met its obligations.

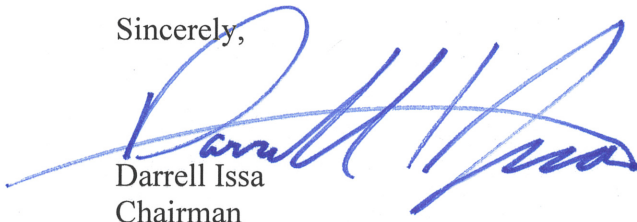
The Honorable Eric H. Holder, Jr.

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As the Committee lacks this information, I will not be in a position tomorrow to negotiate over whether certain actions – short of full compliance – are sufficient to warrant more than a delay of contempt proceedings. There is nothing extraordinary about an offer from a Federal agency to fully or partially respond to a subpoena. I do, however, hope the Department will decide to produce the documents that would justify a postponement and will use tomorrow's discussion to better understand what steps it can take if it sincerely seeks an outcome other than the continuation of contempt proceedings.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrell Issa", is written over the typed name and title.

Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Charles E. Grassley, Ranking Member
Committee on the Judiciary, United States Senate