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STAFF DIRECTOR

June 15, 2012

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

Dear Mr. Attorney General:

Thank you for your June 14, 2012, letter recognizing the substantial efforts made by the House Oversight and Government Reform Committee to narrow the scope of differences between our positions over documents created after February 4, 2011, related to Operation Fast and Furious and the Department's response to whistleblower accusations. In your letter, you repeated your readiness to produce a new subset of documents detailing how the Department's understanding of the facts of Fast and Furious evolved during the post-February 4 period and information sought by the Committee related to the treatment of whistleblower accusations, the whistleblowers themselves, and other concerns expressed by the Committee.

In a meeting yesterday, the Department offered some additional details about the subset of post-February 4 documents you are willing to produce pursuant to the Committee's October 12, 2011, subpoena. While I do have substantial concerns that these documents may not be sufficient to allow the Committee to complete its investigation, delivery of these documents to the Committee before the scheduled consideration of contempt at 10:00 a.m. on Wednesday, June 20, 2012, would be sufficient to justify the postponement of the proceeding to allow for the review of materials. Senator Grassley and I are also willing to meet with you as soon as Tuesday, June 19, 2012. It would best facilitate a constructive dialogue if the Department would produce the documents you have outlined prior to this discussion.

While I do appreciate your willingness to drop objections to providing some materials reflecting internal deliberations, I do have some remaining concerns. The Department 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. The Department has also so far declined to note how many pages from this period the Department intends to withhold from the full category of documents between February 4 and December 2, 2011. The Department has also not provided a log that includes descriptions of documents, the dates they were created, who created them, and

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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 or not the Department has substantially met its obligations.

Again, production of the documents noted in your letter and outlined yesterday in a meeting with Committee staff would be sufficient for me to justify a postponement of the Committee's scheduled vote on contempt to facilitate their review and discussions with the Department. I am prepared to announce this delay once the Department produces these documents. Please contact my staff to arrange a mutually agreeable time for us to meet.

Sincerely,



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