

Darrell Issa, Department of Justice clash on gun probe

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The Obama administration was surprised to receive a subpoena from the Oversight and Government Reform Committee as part of an investigation into a program to track U.S. guns sold in Mexico, considering they had agreed to cooperate, a senior Justice Department official wrote to the committee's chairman.

Rep. Darrell Issa (R-Calif.), the chairman of the top investigative committee in Congress, subpoenaed the Bureau of Alcohol, Tobacco, Firearms and Explosives for documents related to Operation Gunrunner, which traces weapons sold by American dealers to drug cartels in Mexico.

The Justice Department, though, is in the midst of several Operation Gunrunner investigations of its own, making it difficult for the agency to supply information to the committee. One investigation deals with the illegal sale of arms in Mexico. Another deals with an agent who was killed on the border.

The agency says it was trying to cooperate with Issa's committee, nonetheless. Before the committee issued the subpoena, the department sent a letter to Issa, saying it intended "to produce a number of responsive documents within the next week."

"We were therefore surprised and disappointed when shortly after we notified your staff of our intent to work with the Committee, you nevertheless issued a subpoena a few hours later," Assistant Attorney General Ronald Weich wrote to Issa in a letter, obtained by POLITICO. "Despite this unnecessary step on your part, we will review the subpoena and work with the Committee to address your concerns."

Rep. Elijah Cummings of Maryland, the ranking Democrat on the committee, also sent Issa a letter late Friday afternoon, claiming he was again not kept in the loop on the subpoena — a frequent complaint from Democrats about Issa.

"Last night...you issued a unilateral subpoena over the Department's objection, over my objection, and without any knowledge or debate by other Members of our Committee," Cummings wrote to Issa. "You took this step without meeting with the Department to determine whether an accommodation might have satisfied both the Committee's legitimate interest in

conducting appropriate oversight and the Department's legitimate interest in achieving successful prosecutions.”

It is standard operating procedure for Congressional committees to back off investigations if federal law enforcement agencies are conducting criminal investigations. That isn't cutting it for Issa's staff.

“The Department of Justice has asserted the investigations into the death of two federal agents will broadly prohibit them from sharing documents related to Project Gunrunner,” said committee spokesman Frederick Hill. “We find this position unacceptable.”

Hill also said that Cummings is citing “revisionist history” because he did not request a committee vote on the subpoena Thursday when Issa notified him of the subpoena.