



An AG Without Answers

More Questions Than Answers From Eric Holder In The Ongoing Scandal Of The Justice Department's Surveillance Of The Press

OBAMA'S ATTORNEY GENERAL HAS A PENCHANT FOR LETTING QUESTIONS LINGER

Was Holder Lying When He Told House Judiciary Members This Month That He Had Never Been Involved In A "Potential Prosecution Of The Press For Disclosure Of Material"?

The House Judiciary Committee Is Looking Into Whether Attorney General Holder Lied Regarding Statements Made About The DOJ's Authority To "Prosecute Reporters Under The Espionage Act."

"The House Judiciary Committee is investigating whether Attorney General Eric Holder lied under oath during his May 15 testimony on the Justice Department's (DOJ) surveillance of reporters, an aide close to the matter told The Hill. The panel is looking at a statement Holder made during a back and forth with Rep. Hank Johnson (D-Ga.) about whether the DOJ could prosecute reporters under the Espionage Act of 1917." (Jonathan Easley, "House Judiciary Investigating Whether Holder Lied Under Oath," [The Hill](#), 5/28/13)

- **"In Regard To Potential Prosecution Of The Press For The Disclosure Of Material -- This Is Not Something I've Ever Been Involved In, Heard Of, Or Would Think Would Be Wise Policy.' Holder Said During The Hearing."** (Jonathan Easley, "House Judiciary Investigating Whether Holder Lied Under Oath," [The Hill](#), 5/28/13)

Holder Personally Signed Off On The Search Warrant That Allowed For The Seizure Of Fox News Reporter James Rosen's Private Emails. "However, NBC News reported last week that Holder personally approved a search warrant that labeled Fox News chief Washington correspondent James Rosen a co-conspirator in a national security leaks case." (Jonathan Easley, "House Judiciary Investigating Whether Holder Lied Under Oath," [The Hill](#), 5/28/13)

"Holder's Testimony At The Hearing Came Before Justice's Actions Against Rosen Had Become Public." "Holder's testimony at the hearing came before Justice's actions against Rosen had become public. The hearing was held after The Associated Press revealed the Department of Justice had secretly subpoenaed its phone records in a separate leaks investigation." (Jonathan Easley, "House Judiciary Investigating Whether Holder Lied Under Oath," [The Hill](#), 5/28/13)

Why Did Holder Recuse Himself From The AP Investigation Due To His "Frequent Contact With The Media" But Not The Fox News Subpoena?

Attorney General Eric Holder Told Reporters He Recused Himself From The AP Investigation Because Of “Frequent Contact With The Media.” “Speaking to reporters on Tuesday, Holder said he made the decision to recuse himself in the Justice Department’s investigation involving a leak of classified information to the AP, because he was interviewed by the FBI in connection with the probe and had ‘frequent contact with the media.’ Holder said he wanted to ‘make sure that this investigation was seen as one that was independent and to avoid even the possibility of an appearance of a conflict I made the determination to recuse myself.’” (Aamer Madhani And Kevin Johnson, “AG Holder Recused Himself From AP Probe,” [USA Today](#), 5/14/13)

- **The DOJ Confirmed That The “Controversial” FOX News Search Warrant Was Approved “At The Highest Levels” Including “Discussions” With Holder.** “The Justice Department pledged Friday to review its policies relating to the seizure of information from journalists after acknowledging that a controversial search warrant for a Fox News reporter’s private emails was approved ‘at the highest levels’ of the Justice Department, including ‘discussions’ with Attorney General Eric Holder.” (Michael Isikoff, “DOJ Confirms Holder OK’d Search Warrant For Fox News Reporter’s Emails,” [NBC News](#), 5/27/13)

If The DOJ Notified News Corp. Of Its Fox News Subpoena, Why Didn’t The Company Know About It?

Holder’s DOJ Says It Informed News Corp Of Its Fox News Subpoena In August 2010. “The Justice Department has signaled that it notified News Corporation on Aug. 27, 2010, that it had seized the phone records of a Fox News reporter — who turned out to be the Washington correspondent James Rosen — after one of his articles had included details of a secret United States report on North Korea.” (Amy Chozick, “News Corp. Says It Was Not Told Of Subpoena Says For Reporter’s Phone Records,” [The New York Times](#), 5/26/13)

News Corp Has No Record Of Ever Being Notified By The DOJ. “News Corporation said on Sunday that it had no record of being notified by the Justice Department nearly three years ago of a subpoena for the telephone records of a reporter at its Fox News cable channel. The company’s chief legal counsel at the time also said that he had never seen material from the government related to the subpoena.” (Amy Chozick, “News Corp. Says It Was Not Told Of Subpoena Says For Reporter’s Phone Records,” [The New York Times](#), 5/26/13)

- **Lawrence Jacobs, News Corp. Chief Legal Officer Until June 2011: “I Would Have Remembered Getting A Fax From The Justice Department.”** “Lawrence A. Jacobs, who was News Corporation’s chief legal officer until he left in June 2011, said he never saw a notification about the phone records. ‘I would have remembered getting a fax from the Justice Department,’ Mr. Jacobs said in an interview Sunday. ‘These are not the kinds of things that happen every day.’” (Amy Chozick, “News Corp. Says It Was Not Told Of Subpoena Says For Reporter’s Phone Records,” [The New York Times](#), 5/26/13)

FLASHBACK: THIS ISN’T THE FIRST TIME OBAMA’S ATTORNEY GENERAL HAS DODGED ACCOUNTABILITY & QUESTIONS

Holder’s Unwillingness To Answer Questions About Operation Fast And Furious Led To Contempt Charges

In 2012, Seventeen House Democrats Joined Republicans In A Bipartisan Vote To Hold Holder In Contempt Of Congress Over Fast And Furious. “More than 100 Democrats left the House floor before the vote, but 17 moderate Democrats stayed behind and joined with Republicans in voting for contempt, robbing the Obama administration and congressional Democrats of its main argument that the vote was a blatant partisan maneuver to discredit Holder and the White House in an election year.” (Ed O’Keefe, “Which Democrats Voted To Hold Eric Holder In Contempt Of Congress?,” [The Washington Post’s “2Chambers”](#), 6/29/12)

- **“The House Of Representatives Voted 255-67 On Thursday To Hold Attorney General Eric Holder In Criminal Contempt For Refusing To Turn Over Documents Related To The Fast And Furious Gun-Running Sting.”** (“House Votes To Hold Holder In Contempt,” [CNN](#), 6/28/12)

In 2011, Documents Revealed That The DOJ Purposely Submitted False Information To Senators Regarding Fast And Furious. “The Justice Department released documents today detailing how officials prepared a Feb. 4 letter to Sen. Chuck Grassley (R-Iowa) that Attorney General Eric Holder has since admitted contained false information about Operation Fast and Furious, a botched gun operation under investigation by Congress. The documents show that Dennis Burke, then a U.S. attorney who has since resigned, and William Hoover, then the deputy director of the Bureau of Alcohol, Tobacco, Firearms and Explosives who has since been reassigned, principally provided the false information to officials who drafted the letter.” (Jonathan Strong, “Justice Department Reveals Origins Of False Gun Letter To Grassley,” [Roll Call](#), 12/2/11)

- **Congressional Investigators “Repeatedly Asked DOJ For Documents” Regarding The “False” Letter Sent To Sen. Chuck Grassley Regarding Fast And Furious Tactics.** “Issa and Sen. Chuck Grassley (R-Iowa), the ranking member of the Senate Judiciary Committee, have repeatedly asked DOJ for documents pertaining to the creation of a letter the department sent to Grassley on Feb. 4, 2011, which stated that it did everything in its power to stop guns from being trafficked across the U.S.-Mexico border. Testimony from agents involved in Fast and Furious and subsequent documents released by DOJ show that these claims are false. The Department of Justice has since withdrawn the Feb. 4 letter.” (Jordy Yager, “Rep. Issa Threatens Holder With Contempt Over ‘Fast And Furious’ Operation,” [The Hill](#), 1/31/12)
- **Holder Testified To “Lawmakers That The Department Was Not Planning To Give Any Documents” To Congress Regarding Ongoing Investigations Into Fast And Furious.** “In testimony before the House Judiciary Committee last month, Holder told lawmakers that the department was not planning to give any documents created after Feb. 4, 2011, to Congress, saying that he had taken the unprecedented step and released to Issa’s committee a score of documents prior to Feb. 4 detailing the letter’s creation.” (Jordy Yager, “Rep. Issa Threatens Holder With Contempt Over ‘Fast And Furious’ Operation,” [The Hill](#), 1/31/12)
- **The Justice Department Later Rescinded The Letter Because It Contained False Information On Fast And Furious.** “The DOJ initially denied that it let guns ‘walk’ — or knowingly fall into the hands of suspected criminals — in a letter to Grassley. That letter was later rescinded.” (Jordy Yager, “Scathing GOP Report On ‘Fast And Furious’ Blames Five ATF Officials,” [The Hill](#)’s [Blog Briefing Room](#), 7/30/12)

In 2012, DOJ Responded To CBS’s FOIA Request On Fast And Furious With “Mostly-Blank Pages.” “For more than a year, CBS News has been investigating the Bureau of Alcohol Tobacco and Firearms’ ‘Fast and Furious’ operation and related cases that also employed the controversial tactic of ‘gunwalking.’ With Justice Department officials refusing all interview requests to date, CBS News requested numerous public documents through the Freedom of Information Act. So far, all of the requests that have been answered have been denied in part or in full...The response includes mostly-blank pages.” (Sharyl Attkisson, “Government’s Answer To ‘Fast And Furious’ Records Requests: Blank Pages,” [CBS](#), 4/27/12)

- **CBS’s Sharyl Attkisson: “Few Requests Filed By This Reporter Are Answered Within A Year. When And If Documents Are Ever Produced, They Are Often Heavily Redacted And The Timeliness Of The Information Relative To The Public Interest Has Long Since Subsided.”** (Sharyl Attkisson, “Government’s Answer To ‘Fast And Furious’ Records Requests: Blank Pages,” [CBS](#), 4/27/12)