Issa has called President Obama "One of the most corrupt presidents in modern times," an outlandish charge even by Republican standards.

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WASHINGTON (NNPA) – The House of Representatives vote to hold Attorney General Eric H. Holder, Jr. in contempt of Congress was "one of the most highly politicized and reckless congressional investigations in decades," according to Rep. Elijah E. Cummings (D-Md.).

"This is a sad day for our democracy," said Cummings, the ranking member of the House Committee on Oversight and Government Reform, the Republican-dominated panel that recommended the action against Holder. "Today's contempt vote against Attorney General Eric Holder is the culmination of one of the most highly politicized and reckless congressional

investigations in decades."

The vote, which came just hours after the Supreme Court upheld the landmark Affordable Care Act, marked the first time a sitting cabinet member has been held in contempt of Congress.

Holder, the nation's first Black attorney general, described the vote as a culmination of misguided and politically-motivated investigation. He said, "Today's vote may make for good political theater in the minds of some, but it is, at base, both a crass effort and a grave disservice to the American people."

With the outcome of the House vote never in doubt, the Congressional Black Caucus (CBC) boycotted the vote and was joined by Minority Leader Nancy Pelosi (D-Calif.). More than 100 Democrats decided not to take part of the vote.

Emanuel Cleaver, II (D-Mo.), chairman of the CBC, said in a written statement: "Today, we see the great length to which some of my colleagues will go in an attempt to discredit the Attorney General, a member of President Obama's Administration, as we near the 2012 election. For over 15 months, Attorney General Eric Holder and the Department of Justice have cooperated with the Committee's inquiry. The Obama Administration is rightfully asserting executive privilege over the narrow subject of documents that remain at issue – the same process President Bush used six times during his presidency."

In 2008, a Democratic-controlled House held White House Counsel Harriet Myers and Chief of Staff Josh Bolten in criminal contempt for failing to turn over documents about the abrupt dismissal of seven U.S. attorneys. The House was investigating whether the prosecutors were dismissed to impede investigations of GOP lawmakers or because they declined to go after Democratic opponents of the administration. Neither Myers nor Bolten was prosecuted by the Bush Justice Department.

Seventeen Democrats, all endorsed by the National Rifle Association, voted with Republicans to pass a criminal contempt resolution against Holder by a vote of 255-67. Democrats supporting the measure were: Representatives Jason Altmire (Pa.), John Barrow (Ga.), Dan Boren (Okla.), Leonard Boswell (Iowa), Ben Chandler (Ky.), Mark Critz (Pa.), Joe Donnelly (Ind.), Kathy Hochul (N.Y.), Ron Kind (Wis.) Larry Kissell (N.C.) Jim Matheson (Utah), Mike McIntyre (N.C.),

William Owens (N.Y.), Collin Peterson (Minn.), Nick Rahall (W.Va.), Mike Ross (Ark.) and Tim Walz (Minn.).

Most of the Democrats voting against Holder represent conservative districts but five, Boswell, Donnelly, Kind, Owens and Walz, are from districts carried by Obama in 2008. Another Democrat, Daniel Lipinski of Illinois, voted present.

Two Republicans, Scott Rigell of Virginia and Steven LaTourette of Ohio, voted against the contempt charge.

Less than an hour later, the House passed a second resolution authorizing Darrell Issa (R-Calif), chairman of the House Oversight Committee, to file a civil contempt action against Attorney General Holder. On that vote, 21 Democrats joined Republicans. In addition to the 17 who voted with Republicans earlier, they were: Ron Barber of Arizona, Peter DeFazio of Oregon, Michael Michard of Maine and Brad Miller of North Carolina.

Five Democrats voted present: Gary Ackerman of New York, Jim Costa of California, Mary Kaptur of Ohio, Daniel Lipinski of Illinois and former Oversight Committee Chairman Edolphus Towns of New York, the only African-American Democrat in the House who did not take a pro-Holder stand.

Towns, who announced in April that he will retire after 15 terms, supported Hillary Clinton over Obama in the 2008 Democratic primary. Obama went on to carry 91 percent of the New York's 10th district to defeat John McCain in the general election.

As expected, the Justice Department has already announced that it will not prosecute the criminal charge against Holder because Fast and Furious was not illegal and Holder did not commit a crime. Deputy Attorney General James M. Cole sent a letter to House Speaker John Boehner (R-Ohio) notifying him of the decision.

Cole quoted a May 1984 memo from Theodore B. Olson, notifying U.S. attorneys in the Reagan administration that they were not required to refer congressional contempt charges to a grand

jury or prosecute a member of the executive branch "who carries out the President's instruction to invoke the President's claim of executive privilege before a committee."

Congress' remaining option, civil contempt, could take years and would require federal district and appeals judges, if not the Supreme Court, to serve as a referee between the legislative and executive branches of government. In all likelihood, a compromise will be reached between the two branches before the dispute reaches that point.

The National Rifle Association lobbied strongly for the action against Holder, letting lawmakers know they would be graded on whether they supported the move to hold the attorney general in contempt.

A New York Times editorial observed, "The House's 255-67 vote on Thursday to hold Attorney General Eric Holder Jr. in contempt of Congress said more about how far lawmakers will go to pander to the gun lobby in an election year than about any improper conduct by Mr. Holder."

Congress's contempt power is the means it uses to force compliance with its investigative powers granted under the constitution. But defining powers that belong to Congress and those ascribed to the executive branch, two co-equal branches of government, can be a delicate balancing act.

Tension between the two branches date back to 1796, when George Washington refused to give the House documents disclosing how the Jay Treaty with Great Britain was negotiated. The most famous case involving executive privilege was the Watergate scandal in 1974 when President Nixon tried to avoid turning over secretly-recorded Oval Office audiotapes.

In this case, the Obama administration says it has cooperated with Congress by providing more than 7,600 documents that pertain to Fast and Furious, a controversial sting operation conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives. The operation, which originated in 2006 under the Bush administration, was designed to stem the flow of firearms to Mexican drug cartels.

But the House is pressing Holder for an additional 1,300 documents that the Justice Department characterized as privileged internal communications and deliberations that do not fall within Congress' purview.

In January, Rep. Cummings issued a 95-page report stating that Operation Fast and Furious was the fourth in a series of gunwalking projects directed by ATF's Phoenix office over a 5-year period. The report noted that the congressional committee headed by Issa found no evidence that Holder was aware of the controversial practice of gunrunning – letting guns walk – without law enforcement intervention.

The plan was to allow hundreds of guns to be purchased by straw purchasers acting on behalf of Mexican cartel arms traffickers and monitor the weapons as they were passed on to key cartel figures. But of more than 2,000 firearms that entered Mexico that way, only 700 were recovered, none from the hands of cartel bosses. More troubling, some of the weapons were recovered from the scenes of violent crimes on both sides of the U.S.-Mexican border, including the 2010 death of U.S. Border Patrol Agent Brian Terry in Santa Cruz County, Arizona, 11 miles from the border.

In his statement, Attorney General Holder said, "When concerns about Operation Fast and Furious first came to light, I took action and ordered an independent investigation into what happened. We learned that the flawed tactics used in this operation began in the previous administration, but I made sure that it ended under this one."

When he assumed chairmanship of the House Oversight Committee, Issa made it clear that he planned to use his new-found power to attack the Obama administration. The confrontational congressman from Southern California told *Politico* in December 2010: "I want seven hearings a week, times 40 weeks."

At that rate, Issa would chair 280 hearings a year. By comparison, Henry Waxman (D-Calif.) held 203 hearings over two years during the Bush presidency.

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Congressman Cummings said House Republicans did not make a sincere effort to reach an agreement with Holder, noting that the House took up the resolution to hold the attorney general in contempt just one week after receiving the committee’s report, allowing only a small window in which to negotiate. By contrast, when Democrats were in control of the House, there was a 6-month gap between its committee report and action on the floor.

Cummings said with a 9-4 majority, Issa’s committee has been highly-partisan, not allowing Democrats on the committee to call a single witness. He said the panel’s report contained more than “100 errors, omissions, and mischaracterizations” along with “significant legal deficiencies and factual errors that may call into question the validity of the contempt resolution itself.”