

## Statement of Rep. Danny K. Davis in Advance of the House Vote on Holding the Attorney General in Contempt

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Mr. Speaker, U2 has a song: Some Days Are Better Than Others.

The Lyrics go something like this:

Some days are dry, some days are leaky

Some days come clean, other days are sneaky

Some days take less, but most days take more

Some slip through your fingers and onto the floor

Well, Mr. Speaker, today it is certainly threatening to slip through onto the floor.

This House is apparently preparing for an unprecedented floor vote to hold a sitting Attorney General, the nation's chief law enforcement officer, in contempt.

The path which has led us to this sorry day, is so long, so bizarre, so torturous, so fantastical, that it strains every sense of credulity for those attempting to make sense of our actions.

The Oversight Committee started out investigating so-called "gunwalking" which was initiated under the Bush administration. The DOJ produced thousands of pages of documents, the Attorney General testified nine times and the committee found no wrong-doing by the Attorney General, so the committee majority turned its attention to a February 4, 2011 letter sent by the DOJ's Office of Legislative Affairs to Senator Grassley, initially denying allegations of gunwalking.

The DOJ acknowledged the errors in the letter to Senator Grassley and provided more than 1,300 pages of internal documents showing how the letter came to be drafted.

The documents demonstrated that the staff did not intentionally mislead Congress but relied on assurances from ATF leaders and officials in Arizona who ran the operation.

Did the Committee call the head of ATF, Ken Melson, to testify how this happened as Committee Democrats requested?

No.

Did the Committee call former Attorney General Mukasey, who was briefed on the botched effort to coordinate arms interdiction with Mexico in 2007?

No.

Instead the Committee Majority members demanded more internal deliberative documents from after the Grassely letter was sent.

Instead the Committee Leadership made an ever escalating series of allegations regarding the involvement of the White House, documented in You Tube videos and News clips widely viewed on the Internet which were subsequently withdrawn in turn.

The Committee Leadership has refused the Attorney General's offer to resolve the conflict.

The President has now claimed Executive Privilege over a very narrow group of documents from the Department of Justice in response to Chairman Issa's threat to hold the Attorney General in Contempt of Congress.

This is the first time the President has claimed executive privilege in sharp contrast to recent previous Presidents who used the claim on numerous occasions in similar circumstances.

Should the House continue to pursue this irresponsible action it is likely that it would lead to many years of judicial action and would, of course, further poison the highly charged partisan atmosphere leading up to the elections and critical decisions regarding the federal budget and any number of critical expiring federal programs.

In my judgement, this attempt to provoke an unnecessary and senseless confrontation between the branches of government at a time when the American people are demanding an end to hyper partisanship and meaningful action to put America back to work and address the many national and global problems confronting us is not just non-productive and ill-timed, but dangerous and reckless.

Mr. Speaker, the House should not permit this sad day to slip onto the floor.

Should we fail to avert this provocative vote, we should sharply repudiate the partisan effort to hold Attorney General Holder in contempt.

So I join with others who are asking the Speaker, who are imploring this House not to take such an irresponsible vote, not to take an irresponsible action, but to sit with the Attorney General, and let's resolve the conflict between the House and the executive branch. That's what reasonable people would do.