

## **TABLE OF AUTHORITIES**

(sources available online at: [http://democrats.oversight.house.gov/Amicus\\_Brief](http://democrats.oversight.house.gov/Amicus_Brief))

### **Cases**

<i>Allen v. Wright</i> , 468 U.S. 737 (1984) .....	3
<i>Ashwander v. Tenn. Valley Auth.</i> , 297 U.S. 288 (1936) .....	3
<i>*Committee on the Judiciary v. Miers</i> , 558 F. Supp. 2d 53 (D.D.C. 2008) .....	passim
<i>Hanes Corp. v. Millard</i> , 531 F.2d 585, 591-92 (D.C. Cir. 1976) .....	3, 4
<i>Railroad Yardmasters of America v. Harris</i> , 721 F.2d 1332 (D.C. Cir. 1983) .....	3
<i>*United States v. AT&amp;T Co.</i> , 551 F.2d 384 (D.C. Cir. 1976) .....	3, 5
<i>*United States v. AT&amp;T Co.</i> , 567 F.2d 121 (D.C. Cir. 1977) .....	5, 6
<i>United States v. Avila</i> , No. 11-00126 (C.D. Cal. Oct. 19, 2012) .....	28
<i>*United States v. House of Representatives</i> , 556 F. Supp. 150 (D.D.C. 1983) .....	3, 4, 5, 8
<i>Vander Jagt v. O'Neill</i> , 699 F.2d 1166 (D.C. Cir. 1983) .....	3
<i>Wilton v. Seven Falls Co.</i> , 515 U.S. 277 (1995) .....	3

### **Statutes**

Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §§ 2510 <i>et. seq.</i> .....	25, 28
---	--------

### **Other Authorities**

Congressional Research Service, <i>Congress' Contempt Power and the Enforcement of Congressional Subpoenas: Law, History, Practice and Procedure</i> (2012) .....	7
Dana Milbank, Op-Ed., <i>Republicans' Attempt to Hold Holder in Contempt is Uphill Battle</i> , Wash. Post (June 20, 2012) .....	9
Dawn Johnsen, <i>Executive Privilege Since United States v. Nixon: Issues of Motivation and Accommodation</i> , 83 Minn. L. Rev. 1127 (1999) .....	6
DOJ Inspector General, <i>A Review of ATF's Operation Fast and Furious and Related Matters</i> (Nov. 2012) .....	28
DOJ Inspector General, <i>A Review of ATF's Operation Fast and Furious and Related Matters</i> (Sept. 2012) .....	21, 25, 26, 27
Editorial, <i>A Pointless Partisan Fight</i> , N.Y. Times (June 20, 2012) .....	9

Editorial, <i>Holder Contempt Vote is Dysfunctional Washington as Usual</i> , Baltimore Sun (June 21, 2012) .....	9
Eugene Robinson, Editorial, <i>GOP Witch Hunt for Eric Holder Reflects Bigger Problem</i> , Wash. Post (June 21, 2012).....	9
Juan Williams, Op-Ed., <i>Darrell Issa's Fast and Furious Campaign Against Team Obama</i> , Fox News (May 15, 2012) .....	9
Michael Hirsh, Editorial, <i>Darrell Issa and House Republicans' Permanent Witch Hunt</i> , The Atlantic (June 22, 2012).....	9
Neal Devins, <i>Congressional-Executive Information Access Disputes: A Modest Proposal—Do Nothing</i> , 48 Admin. L. Rev. 109 (1996) .....	5
Ned Resnikoff, <i>Michael Steele on Issa's contempt vote for Holder: 'The optics are not good for the GOP,'</i> MSNBC (June 20, 2012) .....	9
Robert VerBruggen, <i>Too Fast, Too Furious</i> , National Review Online (June 27, 2012).....	9
Todd David Peterson, <i>Contempt of Congress v. Executive Privilege</i> , 14 U. Pa. J. Const. L. 77 (2011). .....	3
<i>Top Bush Aides to Testify in Attorneys' Firings</i> , N.Y. Times (Mar. 4, 2009) .....	7

### **Congressional Materials**

156 Cong. Rec. H4405 (daily ed. June 28, 2012) (statement of Rep. Steny Hoyer) .....	13
156 Cong. Rec. H4413 (daily ed. June 28, 2012) (statement of Rep. Darrell Issa).....	12
156 Cong. Rec. H4413 (daily ed. June 28, 2012) (statement of Rep. John Dingell).....	12
158 Cong. Rec. H4165 (daily ed. June 28, 2012) (statement of Rep. James McGovern) .....	10
158 Cong. Rec. H4406 (daily ed. June 28, 2012) (statement of Rep. Carolyn Maloney) .....	10
<i>Business Meeting to Consider a Report Holding Attorney General Eric Holder in Contempt of Congress for his Failure to Produce Documents Specified in the Committee's Oct. 12, 2011 Subpoena: Hearing Before the H. Comm. on Oversight &amp; Gov't Reform</i> , 112th Cong. (2012) .....	15
<i>Continuing Investigation Into the U.S. Attorneys Controversy and Related Matters (Part III): Hearing Before the Subcomm. on Commercial &amp; Admin. Law of the H. Comm. on the Judiciary</i> , 110th Cong. (2007).....	16
H. Select Comm. on Congressional Operations and the S. Comm. on Rules and Administration, <i>Report Identifying Court Proceedings and Actions of Vital Interest to the Congress</i> , 95th Cong. 46-50 (1978).....	6

H.R. Rep. No. 112-546 (2012) (Minority Views on contempt resolution) (June 22, 2012).....	20
House Comm. on Rules, Rules of the Comm. on Rules for the 112th Congress .....	14
<i>IG Report: The Department of Justice’s Office of the Inspector General Examines the Failures of Operation Fast and Furious: Hearing before the H. Comm. on Oversight &amp; Gov’t Reform, 112th Cong. (2012)</i> .....	25, 27
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, to Eric Holder, Att’y General, DOJ (Jan. 25, 2012) .....	12
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Charles Grassley, Ranking Member, S. Comm. on the Judiciary, to Ann Birmingham Scheel, U.S. Att’y for the Dist. of Ariz. (Sept. 1, 2011).....	22
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Charles Grassley, Ranking Member, S. Comm. on the Judiciary, to Eric Holder, Att’y Gen., DOJ (Feb. 8, 2012) .....	22
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Charles Grassley, Ranking Member, S. Comm. on the Judiciary, to Eric Holder, Att’y Gen., DOJ (Nov. 1, 2011) .....	22
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Charles Grassley, Ranking Member, S. Comm. on the Judiciary, to Kenneth Melson, Acting Dir., ATF (Mar. 16, 2011) .....	22
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Charles Grassley, Ranking Member, S. Comm. on the Judiciary, to Michele Leonhart, Adm’r, U.S. DEA (July 15, 2011) .....	22
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Charles Grassley, Ranking Member, S. Comm. on the Judiciary, to Robert Mueller, Dir., FBI (July 11, 2011) .....	22
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, and Charles Grassley, Ranking Member, S. Comm. on the Judiciary, to Robert Mueller, Dir., FBI (Oct. 20, 2011) .....	22
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, to Eric Holder, Att’y Gen., DOJ (Feb. 14, 2012) .....	12
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, to Eric Holder, Att’y Gen., DOJ (June 13, 2012) .....	23
Letter from Darrell Issa, Chairman, H. Comm. on Oversight & Gov’t Reform, to Eric Holder, Att’y Gen., DOJ (May 10, 2012) .....	17

Letter from Elijah Cummings, Ranking Member, H. Comm. on Oversight & Gov't Reform, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Oct. 28, 2011).....	10
Letter from James Cole, Deputy Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Dec. 2, 2011) .....	18, 19
Letter from James Cole, Deputy Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Feb. 1, 2012) .....	17
Letter from James Cole, Deputy Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (June 20, 2012) .....	14
Letter from James Cole, Deputy Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (May 15, 2012) .....	17
Letter from James Cole, Deputy Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (May 3, 2012) .....	17
Letter from John Boehner, Speaker, House of Representatives, et al., to Eric Holder, Att'y Gen., DOJ (May 18, 2012) .....	23
Letter from Judith Applebaum, Acting Assistant Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform <i>et al.</i> (Sept. 19, 2012) .....	28
Letter from Michael Horowitz, Inspector Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Oct. 16, 2012).....	26
Letter from Ronald Weich, Assistant Att'y Gen. for Legislative Affairs, DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (June 14, 2011).....	17
Letter from Ronald Weich, Assistant Att'y Gen. for Legislative Affairs, DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Apr. 1, 2011).....	16
Letter from Ronald Weich, Assistant Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Feb. 16, 2012) .....	12
Letter from Ronald Weich, Assistant Att'y Gen., DOJ, to Darrell Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Apr. 19, 2012) .....	17
Report of the House Committee on Oversight & Government Reform Regarding President Bush's Assertion of Executive Privilege in Response to the Committee's Subpoena to Attorney General Michael B. Mukasey, 110th Cong. (2008).....	15
Staff Notes from Meeting with Ron Weich, Assistant Att'y Gen. for Legislative Affairs, DOJ, Steve Reich, Assoc. Deputy Att'y Gen., DOJ, and Committee Staff in Washington, DC (May 24, 2012) .....	23

Staff of H. Comm. on Oversight & Gov't Reform, 112th Cong., Resolution Recommending that the House of Representatives Find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight & Gov't Reform (Comm. draft May 3, 2012).....	17
Subpoena from H. Comm. on Oversight & Gov. Reform, to Eric Holder, Att'y Gen., DOJ (Oct. 11, 2011) .....	22, 24
<i>The Johnson and Dudley Contempt of Congress Resolutions: Hearing Before the H. Comm. on Oversight and Gov't Reform</i> , 110th Cong. (2008) .....	15
U.S. House of Representatives, Roll Call Vote on Agreeing to Dingell Motion to Refer Resolution H.Res. 711 to the Committee on Oversight and Government Reform With Instructions (June 28, 2012).....	12

\* Authorities chiefly relied upon are marked with an asterisk.