

**From:** Schultz, Eric  
**To:** Schmaler, Tracy (OPA)  
**Sent:** 10/4/2011 2:44:52 PM  
**Subject:** RE: Smith Calls for Investigation into AG's Statements at HJC Hearing  
**Attachments:** image001.jpg

**7/22/10: Rep. Smith "Has Sent A Letter To President Obama Urging The Administration To Appoint A Special Prosecutor To Investigate The Unexplained Dismissal Of Voter Intimidation Charges Against The New Black Panther Party And Some Of Its Members."** "House Judiciary Committee Ranking Member Lamar Smith (R-Texas) has sent a letter to President Obama urging the Administration to appoint a special prosecutor to investigate the unexplained dismissal of voter intimidation charges against the New Black Panther Party and some of its members. Ranking Member Smith also requested that the review include whether the Department has adopted a policy of enforcing voting rights laws in a racially discriminatory manner. Ranking Member Smith: 'The Department's initial decision to drop the New Black Panther Party case created significant controversy, since the Justice Department had effectively won an injunction against the defendants. Its continued refusal to give any legitimate reason for the dismissal has only increased suspicions that race and politics played a role in the decision.'" [House Judiciary Committee, [7/22/10](#)]

**5/18/10: Smith, On Need For Appointing Special Prosecutor In Sestak Investigation: "Quite Frankly, The Reason For This Need For An Independent Investigation Is Because All We Have Now Is The President's Lawyer Saying That No Wrongdoing Occurred."** "COLBY: Have you heard from the Justice Department, too, on whether or not a special prosecutor would be appointed?  
SMITH: Right. Well, of course, the Justice Department, we feel, is politicized. They never seem to want to investigate their own administration, unfortunately, so that's why we've gone to the FBI. Typically, the FBI is not going to say whether they're investigating or not. And quite frankly, the reason for this need for an independent investigation is because all we have now is the president's lawyer saying that no wrongdoing occurred. Well, it's really not up to the White House to make that determination. Of course, they're going to say no wrongdoing occurred. So that's why we need that independent investigation.  
COLBY: Now, they did not make a statement for a very long period of time. We only got it today.  
SMITH: Right." [Fox On The Record With Greta Van Susteren, 5/28/10]

**10/7/09: Rep. Smith "Is Calling On Attorney General Eric Holder To Appoint A Special Prosecutor To Investigate ACORN."** "Rep. Lamar Smith (R., Tex.) is calling on Attorney General Eric Holder to appoint a special prosecutor to investigate ACORN. 'There are obvious conflicts of interest in the Department of Justice doing any type of investigation itself,' Smith tells *NRO*. 'Just look at all the ties President Obama has to ACORN, starting off with how he trained ACORN members, served on boards and foundations that gave to ACORN, and paid \$830,000 to an ACORN subsidiary during his presidential campaign to get out the vote...Then we have a letter from the Obama campaign's attorney telling the Department of Justice to ignore Republican assertions that there has been voter-registration fraud by ACORN representatives,' says Smith. 'All of these ties, together, raise clear questions about a conflict of interest and further show how necessary it is for the administration to avoid impropriety.'" [NRO, 10/7/09]

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**From:** Schmaler, Tracy (OPA) [mailto:Tracy.Schmaler@usdoj.gov]  
**Sent:** Tuesday, October 04, 2011 2:37 PM  
**To:** Schultz, Eric  
**Subject:** FW: Smith Calls for Investigation into AG's Statements at HJC Hearing

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FOR IMMEDIATE RELEASE: October 4, 2011

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DOJ-FF-61292

## **Smith Calls for Investigation into AG's Statements at HJC Hearing**

**Washington, D.C.** – House Judiciary Committee Chairman Lamar Smith (R-Texas) today called for the appointment of a special counsel to investigate whether comments made by Attorney General Eric Holder during a House Judiciary Committee hearing in May 2011 were truthful. In a letter to President Obama, Chairman Smith expressed concern that Members of Congress may have been misled by the Attorney General's response to a question regarding his knowledge of the Fast and Furious program. The Attorney General stated that he first heard of the program in the weeks leading up to the May 2011 hearing. But documents released on Friday night raise significant questions about the truthfulness of the Attorney General's testimony.

**Chairman Smith:** “The Department's consistent response to Congress has been that Operation Fast and Furious was a discrete law enforcement effort largely isolated to the ATF office in Phoenix. These documents appear to undermine this claim and bring into question statements made by Attorney General Holder to this Committee.

“Allegations that senior Justice Department officials may have intentionally misled Members of Congress are extremely troubling and must be addressed by an independent and objective special counsel. I urge you to appoint a special counsel who will investigate these allegations as soon as possible.”

The full text of the letter from Chairman Smith can be found at: <http://judiciary.house.gov/news/pdfs/Special%20Counsel%20for%20Fast%20and%20Furious.pdf>