

# Eric Holder

**Eric Himpton Holder, Jr.** (born January 21, 1951) served as the 82nd Attorney General of the United States, from 2009 to 2015. Holder, serving in the administration of President Barack Obama, is the first African American to hold the position of U.S. Attorney General.<sup>[1]</sup>

Holder previously served as a judge of the Superior Court of the District of Columbia and a United States Attorney. While a U.S. Attorney, he prosecuted Congressman Dan Rostenkowski (D–Illinois) for corruption charges related to his role in the Congressional Post Office scandal. Later, he was Deputy Attorney General of the United States and worked at the law firm of Covington & Burling in Washington, D.C. He was senior legal advisor to Barack Obama during Obama's presidential campaign and one of three members of Obama's vice-presidential selection committee. During the Fast and Furious investigation, he became the only cabinet member in U.S. history to be held in contempt of Congress.<sup>[2]</sup>

On September 25, 2014, the Justice Department announced Holder would resign when his successor was confirmed.<sup>[3]</sup> On November 8, 2014, President Barack Obama nominated Loretta Lynch, the current United States Attorney for the Eastern District of New York, to succeed Holder as the next Attorney General of the United States.<sup>[4]</sup> Lynch was confirmed by the Senate on April 23, 2015,<sup>[5]</sup> and sworn in on April 27.<sup>[6]</sup>

## 1 Early life

Eric Himpton Holder, Jr. was born in the Bronx, New York, to parents with roots in Barbados.<sup>[7][8][9]</sup> Holder's father, Eric Himpton Holder, Sr. (1905–1970) was born in Saint Joseph, Barbados and arrived in the United States at the age of 11.<sup>[10][11]</sup> He later became a real estate broker. His mother, Miriam, was born in New Jersey, while his maternal grandparents were immigrants from Saint Philip, Barbados.<sup>[11]</sup> Holder grew up in East Elmhurst, Queens, and attended public school until the age of 10. When entering the 4th grade he was selected to participate in a program for intellectually gifted students.<sup>[12]</sup>

In 1969, he graduated from Stuyvesant High School in Manhattan and attended Columbia University, where he played freshman basketball. He earned a B.A. degree in American History in 1973.<sup>[13]</sup> Holder received his J.D. from Columbia Law School, graduating in 1976. He worked for the NAACP Legal Defense and Educational Fund during his first summer and the United States At-

torney during his second summer.<sup>[12]</sup>

While at Columbia, Holder was a member of the Student Afro-American Society, which staged a non-confrontational occupation of the ROTC lounge and demanded that it be renamed the Malcolm X Lounge.<sup>[14][15][16][17][18][19]</sup>

## 2 Career

After graduating from Columbia Law School, Holder joined the U.S. Justice Department's new Public Integrity Section during an interval lasting from 1976 to 1988. During his time there, he assisted in the prosecution of Democratic Congressman John Jenrette for bribery discovered in the Abscam sting operation.<sup>[20]</sup> In 1988, Ronald Reagan appointed Holder to serve as a judge of the Superior Court of the District of Columbia.<sup>[21]</sup>

Holder stepped down from the bench in 1993 to accept an appointment as United States Attorney for the District of Columbia from President Bill Clinton. He was the first black American U.S. Attorney in that office.<sup>[12]</sup> At the beginning of his tenure, he oversaw the conclusion of the corruption case against Dan Rostenkowski, part of the Congressional Post Office scandal.<sup>[20]</sup> He was a U.S. Attorney until his elevation to Deputy Attorney General in 1997. Holder also served on The George Washington University's Board of Trustees in 1996 and 1997.

### 2.1 Deputy Attorney General



*Holder opening an Interagency Working Group meeting of the White House Initiative on Asian Americans hosted by the Department of Justice on October 18, 2000.*

In 1997, after the retirement of Jamie Gorelick, Clinton nominated Holder to be the Deputy Attorney General un-



der Janet Reno. Holder was confirmed several months later in the Senate by a unanimous vote.<sup>[22]</sup> During his confirmation hearing, Holder's opposition to the death penalty was questioned, but he pledged his intention to cooperate with the current laws and Reno, saying, "I am not a proponent of the death penalty, but I will enforce the law as this Congress gives it to us."<sup>[23]</sup> Holder was the first African-American to serve in that position.<sup>[12]</sup>

As Deputy Attorney General, Holder's primary responsibilities were in the areas of budget and personnel issues; this also included resolving disputes among department heads and briefing reporters on policy initiatives, national security issue, and major investigations,<sup>[12]</sup> including the FBI investigations into allegations of bribery and corruption in the 2002 Winter Olympics in Salt Lake City.<sup>[24]</sup> Holder later advised Reno in the matters regarding the Independent Counsel statute. Reno made the decision to permit Kenneth Starr to expand his investigation into the Lewinsky affair, leading to Clinton's impeachment.<sup>[12]</sup>

In the wake of the murders of Matthew Shepard and James Byrd, Jr., Holder was a vocal proponent of new hate crimes laws in the United States. Holder said that the current laws placed major constraints on the ability of federal investigators and prosecutors to assist in these types of cases.<sup>[25]</sup>

In his final days with the Clinton administration, Holder carried out his duties with Clinton's last-minute pardon of fugitive and Democratic contributor Marc Rich. Regarding discussions with the White House lawyers on the issue, Holder said he was at first "neutral" on the decision to grant Rich a pardon, but might lean in favor of it if there were national security benefits. Holder said that he was told that Israeli Prime Minister Ehud Barak had asked Clinton to grant the pardon. Holder said that, at the time, he did not give the case much thought, because he did not think the pardon would be granted, as no fugitive had ever previously been granted a presidential pardon. He later said he wished that he had looked into it more thoroughly,<sup>[26]</sup> and expressed regret over the incident. "I wish that I had ensured that the Department of Justice was more fully informed and involved in this pardon process", he said admitting the mistake.<sup>[27]</sup>

Republicans on the House Government Reform Committee disagreed with Holder's version and alleged that he was a knowing participant, according to a 2003 report. They said Holder failed to fully inform prosecutors of the pending pardon, and they criticized his "neutral leaning favorable" opinion to Clinton.<sup>[28]</sup>

Former FBI director, Louis Freeh, commented on the matter in 2009, saying that the Clinton White House had "used" Holder and kept both the FBI and the DOJ in the dark as to their full activities around the last minute pardons.<sup>[29]</sup>

Holder briefly served as Acting Attorney General under President George W. Bush until the Senate confirmed Bush's nominee John Ashcroft.<sup>[30]</sup>



*Official photo as Deputy Attorney General, ca. 2000*

## 2.2 Private practice

From 2001 until he became Attorney General, Holder worked as an attorney at Covington & Burling in Washington, D.C., representing clients such as Merck and the National Football League.<sup>[7][12]</sup> He represented the NFL during its dog fighting investigation against Michael Vick.<sup>[31]</sup>

In 2004, Holder helped negotiate an agreement with the Justice Department for Chiquita Brands International in a case that involved Chiquita's payment of "protection money" to the United Self-Defense Forces of Colombia, a group on the U.S. government's list of terrorist organizations.<sup>[32][33]</sup> In the agreement, Chiquita's officials pleaded guilty and paid a fine of \$25 million. Holder represented Chiquita in the civil action that grew out of this criminal case.<sup>[33]</sup> In March 2004, Holder and Covington & Burling were hired by Illinois Governor Rod Blagojevich to act as a special investigator to the Illinois Gaming Board. The investigation was subsequently canceled on May 18, 2004.<sup>[34]</sup>

The firm represented Guantanamo inmates but Holder "never participated directly in the firm's Guantanamo work", and is not expected to recuse himself from matters pertaining to it.<sup>[35]</sup>

During his years in private practice, Holder represented the Swiss private bank UBS. Because of this, he recused himself from participating in the Department of Justice investigation of UBS's abetting of tax evasion by U.S. account-holders and the prosecution of Brad Birkenfeld. (As Attorney General, he also had to bow out of the

Roger Clemens contempt of Congress prosecution because the pitcher was once a client of Covington and Burling.)<sup>[36][37]</sup>

While *D.C. v. Heller* was being heard by the Supreme Court in 2008, Holder joined the Reno-led amicus brief, which urged the Supreme Court to uphold Washington, D.C.'s handgun ban and said the position of the Department of Justice, from Franklin Roosevelt through Clinton, was that the Second Amendment does not protect an individual right to keep and bear arms for purposes unrelated to a State's operation of a well-regulated militia.<sup>[38]</sup> Holder said that overturning the 1976 law "opens the door to more people having more access to guns and putting guns on the streets."<sup>[39]</sup>

In late 2007, Holder joined then-Senator Barack Obama's presidential campaign as a senior legal advisor. He served on Obama's vice presidential selection committee.<sup>[21]</sup>

### 3 Attorney General of the United States

#### 3.1 Nomination

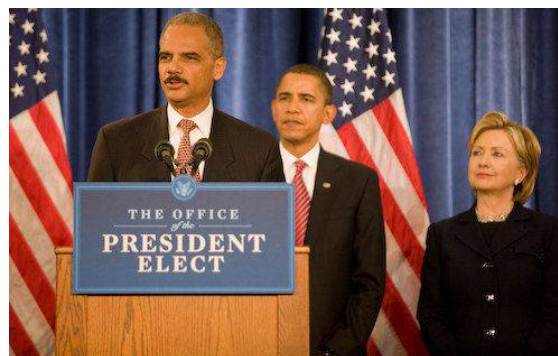
On December 1, 2008, Obama announced that Holder would be his nominee for Attorney General of the United States.<sup>[40][41]</sup> Obama praised his "toughness and independence." Obama went on to say that "[Holder] is deeply familiar with the law enforcement challenges we face: from terrorism to counter-intelligence; from white-collar crime to public corruption." Holder emphasized national security as a priority if confirmed, "We can and we must ensure that the American people remain secure and that the great Constitutional guarantees that define us as a nation are truly valued."<sup>[42]</sup>

He was formally nominated on January 20, 2009 and was overwhelmingly approved by the Senate Judiciary Committee on January 28 with a bipartisan vote of 17 to 2.<sup>[43][44]</sup> He was officially confirmed by the entire Senate on February 2, 2009 by a vote of 75 to 21.<sup>[45]</sup> becoming the nation's first African-American Attorney General. His installation took place on March 27, 2009 at the Lisner Auditorium of George Washington University. As of his indication to step down on September 25, 2014, Holder had the fourth longest tenure of any Attorney General in U.S. history.<sup>[3]</sup>

#### 3.2 Global War on Terrorism

As Attorney General, Holder has been a staunch defender of the President's legal right to prosecute the War on Terror. In May 2011, Holder testified before Congress on the legality of the operation where US special forces killed Osama Bin Laden earlier that month. Holder testified that the operation to kill Bin Laden was legal, stating that in-

ternational law allows for targeting enemy commanders. To support this point, Holder said that computer evidence seized from the raid demonstrated that Bin Laden was still leading al-Qaeda. Moreover, Holder said, the Navy SEALs conducted themselves in a manner consistent with American values, and that the parameters of the mission included capturing Bin Laden.<sup>[46]</sup>



Holder with Barack Obama and Hillary Clinton on December 2, 2008

Holder defended the legality of drone strikes against terrorists. Addressing the death of Anwar al-Aulaqi, an American citizen who was an alleged leader of and recruiter for al-Qaeda operating in Yemen, Holder said "The U.S. government's use of lethal force in self defense against a leader of al-Qaeda or an associated force who presents an imminent threat of violent attack would not be unlawful." He outlined a three-part test to affirm the legality of the strikes: the terrorist poses an imminent threat of violence to the United States, capture is not possible and the operation is conducted in a manner consistent with the principles of the law of war.<sup>[47]</sup>

In April 2011, Holder announced that accused September 11 attack conspirators Khalid Sheikh Mohammed, Ramzi Bin al-Shibh, Walid bin Attash, Ali Abdul Aziz Ali and Mustafa Ahmed al-Hawsawi would be tried by military commissions.<sup>[48]</sup> This decision was a reversal from Holder's position in 2009, when he had previously stated that he would bring the suspects to New York for trial.<sup>[49]</sup> Holder said that he believed the trials could have been held in New York or Virginia, but that Congress imposed restrictions on where the trial could be held, removing the decision from him.<sup>[50]</sup>

In July 2010, Holder flew to Kampala, Uganda, to address the Heads of State Summit of the African Union, where he discussed the Obama Administration's priorities with regards to Africa and the terrorist bombings in Kampala during the World Cup.<sup>[51][52]</sup> Holder vowed to work closer with officials in the African Union to stop terrorism, and he announced that the FBI would be providing a team of forensic specialists to help gather information about the attack, in the hopes of capturing the terrorists.<sup>[53]</sup>

### 3.3 Civil rights



*Holder laying a wreath at the memorial site of the Wounded Knee Massacre in South Dakota*

#### 3.3.1 Voting rights and redistricting

Holder is a staunch proponent of defending the Voting Rights Act of 1965, which was reauthorized in 2006 with bipartisan support. Holder has criticized new Voter ID laws in Texas, Florida and other states, which he suggests may be politically motivated. In 2011, Holder said, “The reality is that in jurisdictions across the country, both overt and subtle forms of discrimination remain all too common.” He went on to criticize Texas redistricting efforts, where the state had increased its population by four million people, most of whom are Latino, but the state had not allocated any new Congressional seats to represent Hispanic voters.<sup>[54]</sup>

Under Holder’s tenure, the DOJ successfully sued Shelby County, Alabama, for a violation of Section 5 of the Voting Rights Act. The small town of Calera had re-drawn the city council districts without receiving pre-clearance from the DOJ, which is required by Section 5 in order to ensure that Southern states do not use such tactics to weaken political representation for minority communities. For local elections, Calera had divided the African-American part of town, submerging it into two other districts, and eliminating the city’s sole African-American councilman. Calera responded by arguing that the process of pre-clearance with the DOJ should no longer be required. On September 21, 2011, the federal district

court upheld the constitutionality of Section 5 of the Voting Rights Act, but the decision was overturned by the Supreme Court in *Shelby County v. Holder*, which effectively struck down Section 5 of the act.

In May 2012, with over a dozen states pushing new voter identification laws, Holder stated that he believed these new laws would hamper the ability of the elderly, students and minorities to vote. Regarding voting rights, he said, “for the first time in our [lifetimes], we are failing to live up to one of our most noble ideals.” Holder pledged that the DOJ would act “aggressively” in fighting these new laws. He went on to say that “We have to honor the generations that took extraordinary risks” to achieve the right to vote.<sup>[55]</sup>

In a speech before the NAACP in July 2012, Holder went on to say that the Texas voter ID laws were a “political pretext to disenfranchise American citizens of their most precious right.”<sup>[56]</sup> Holder compared the practices of these states to those in the era of Jim Crow segregation. Holder said, “Many of those without IDs would have to travel great distances to get them – and some would struggle to pay for the documents they might need to obtain them. We call those poll taxes.”<sup>[57]</sup>

In April 2013, Holder vowed to continue to enforce federal voting rights laws within the scope of his power, regardless of how the United States Supreme Court decided in the pending case regarding voting rights.<sup>[58][59]</sup>

#### 3.3.2 Arizona SB 1070

In May 2010, Holder expressed concerns over reports he had received regarding “Arizona’s tough new immigration law”. He said that he feared that the law might “lead to racial profiling”. Holder received criticism on the political right for criticizing the law before he had read it in its entirety.<sup>[60][61]</sup>

However, in July 2010, after the DOJ reviewed the law, Holder filed suit against Arizona on the grounds that the state law is preempted by federal law. Holder was quoted as saying, “I understand, first off, the frustration of the people of Arizona and the concerns that they have with regard to the amount of illegal immigration that occurs, but the solution that the Arizona legislature came up with is inconsistent with our federal Constitution.”<sup>[62]</sup>

The controversial law was litigated before the US Supreme Court, and in June 2012, the majority of provisions were struck down. Holder said that although he was pleased that much of the law had been struck down, he remained concerned over the burden it might place on local law enforcement to enforce federal immigration law and the possibility that it might be used to discriminate against the Latino community. He vowed to continue to monitor the impact of the law.<sup>[63]</sup>

Holder has also stated that he supports comprehensive immigration reform, adding that it is a “matter of civil rights



and human rights.”<sup>[64]</sup>

### 3.3.3 Same-sex marriage

In February 2011, Holder announced that the DOJ would no longer defend cases involving the *Defense of Marriage Act* in court. Holder had recommended this course of action to the President, arguing that the *Defense of Marriage Act* was unconstitutional, as laws that prohibit the marriage of gay couples do not meet the legal principle of *strict scrutiny*. Holder cited changing law in support of his action: “Much of the legal landscape has changed in the 15 years since Congress passed DOMA. The Supreme Court has ruled that laws criminalizing homosexual conduct are unconstitutional. Congress has repealed the military’s Don’t Ask, Don’t Tell policy. Several lower courts have ruled DOMA itself to be unconstitutional.” This decision was prompted by legal deadlines in two federal cases in *Connecticut* and *New York*, where same-sex married couples argued that DOMA’s ban on federal benefits to those in gay marriages approved by the individual states, violates the Constitution’s requirement of equal treatment.<sup>[65][66]</sup>

In February 2012, Holder reaffirmed his position and stated that the DOJ would not defend DOMA in a legal challenge brought by members of the US military, who were seeking benefits for their same-sex spouses, including: medical insurance, visitation rights in military hospitals and survivor benefits.<sup>[67]</sup>

Holder has also advocated for the interests of the 36,000 same-sex partnerships where Americans are in relationships with non-US citizens. In May 2011, Holder set aside the decision to deport Paul Dorman, an Irish man who was in a same-sex partnership with a New Jersey citizen. Holder then asked immigration officials to reconsider their decision in order to determine whether Dorman can be considered a spouse under New Jersey law and whether Dorman would be considered a spouse under immigration law were it not for the *Defense of Marriage Act*. This action prompted some other immigration judges to halt the deportation proceeds of other foreigners in same-sex couples.<sup>[68][69]</sup>

## 3.4 Crime and prosecutions

In 2009, Holder announced and oversaw the federal government spending of \$1 billion in grants to law enforcement agencies in every state to pay for the hiring of police officers. The money comes from the stimulus bill the *American Recovery and Reinvestment Act of 2009* and covered the salaries of 4,699 law enforcement officers for three years.<sup>[70][71]</sup>

On April 1, 2009, Holder announced that he had ordered the dismissal of the indictment against former Senator Ted Stevens on corruption charges. Stevens had been found guilty, but hadn’t been sentenced; Holder’s action

effectively vacated Stevens’ conviction. Holder was reportedly very angry that the prosecutors had withheld potentially *exculpatory evidence* from Stevens’ attorneys. After the prosecutors had been held in *contempt of court* for failing to turn over required documents, Holder replaced the entire trial team. Soon afterward, the Justice Department discovered a previously undocumented interview with Bill Allen, the prosecution’s star witness. In this interview, Allen gave statements that directly contradicted his testimony at trial, including a claim that he’d been asked to get a note for a repair bill on his house. By nearly all accounts, Holder wanted to send a message that he would not tolerate any behavior he deemed to be *prosecutorial misconduct*.<sup>[72]</sup>

In 2010, in the run up to the referendum on *California Proposition 19*, which would have legalized marijuana use for personal recreation, Holder stated that the DOJ would continue to prosecute individuals on the federal level for possession of marijuana even if voters approved a ballot measure.<sup>[73]</sup> However, in the run up to the successful marijuana legalization referendums on *Colorado Amendment 64* and *Washington Initiative 502* in 2012, Holder and the Department of Justice remained silent on how they would respond if the ballot measures were enacted by voters. On November 6, 2012, *Colorado Amendment 64* and *Washington Initiative 502* were passed with 55.3% and 55.7% of the votes respectively. This would lead to a new memo released by Deputy Attorney General James M. Cole on August 29, 2013.<sup>[74]</sup> The memo instructed all *United States Attorneys* to not focus limited prosecutorial resources on state-authorized marijuana related activities, provided they follow eight priorities laid out by the Department of Justice.<sup>[75]</sup>

On January 20, 2011, the FBI arrested 127 members of *Cosa Nostra* in New York City. Holder spoke at a press conference afterwards, celebrating the largest mafia sting in United States history.<sup>[76]</sup>

Under Holder’s leadership, the Department of Justice has brought six leak-related prosecutions against current or former U.S. government employees, while all previous Presidential administrations combined had tried a total of three such cases. Holder was reportedly “surprised” by news reports pointing out this statistic, and was said to have told associates he did not wish leak prosecutions to be his legacy.<sup>[77]</sup> Several prominent leak prosecutions under Holder have involved communications between criminal defendants and journalists, and the pervasive use of traceable electronic communications between journalists and their sources provided the prosecution with a tool to determine the potential origin of published information.<sup>[78]</sup> Under Holder, the Justice Department has legally argued that *journalists have no legal protection to maintain the confidentiality of their sources*, and can be compelled by the government to reveal them, or potentially face criminal contempt charges.<sup>[79]</sup>

### 3.5 Department of Justice Smart on Crime Program



*Barack Obama signing the Fair Sentencing Act in 2010*

On 12 August 2013, at the American Bar Association's House of Delegates meeting, Holder announced the "Smart on Crime" program, which is "a sweeping initiative by the Justice Department that in effect renounces several decades of tough-on-crime anti-drug legislation and policies."<sup>[80][81]</sup> Holder said the program "will encourage U.S. attorneys to charge defendants only with crimes "for which the accompanying sentences are better suited to their individual conduct, rather than excessive prison terms more appropriate for violent criminals or drug kingpins..."<sup>[80][81]</sup> Running through Holder's statements, the increasing economic burden of over-incarceration was stressed.<sup>[80][81]</sup> As of August 2013, the Smart on Crime program is not a legislative initiative but an effort "limited to the DOJ's policy parameters."<sup>[80][80][81]</sup>

### 3.6 Additional actions

When questioned about weapons regulations during a news conference to announce the arrest of Mexican drug cartel members, Holder stated that the Obama administration would seek to re-institute the expired Federal Assault Weapons Ban, which he strongly supports.<sup>[82][83]</sup>

After the U.S. government filed suit against the Swiss bank UBS AG, whom Holder had represented during his time in private practice, the attorney general recused himself from all legal matters concerning the bank, which stands accused of conspiracy in U.S. tax fraud.<sup>[84][85]</sup>

Holder presented friend and predecessor Janet Reno, Attorney General under the Clinton Administration, the American Judicature Society's (AJS) Justice Award on April 17, 2009. The award is the highest given by the AJS, and recognizes significant contributions toward improvements in the administration of justice within the United States.<sup>[86]</sup>

After the United States diplomatic cables leak in December 2010, Holder said that "We have an active, ongoing,

criminal investigation with regard to this matter," Holder said. "We are not in a position as yet to announce the result of that investigation, but the investigation is—is ongoing. To the extent that we can find anybody who was involved in the breaking of American law and who has put at risk the assets and the people that I have described, they will be held responsible," Holder said. "They will be held accountable." Holder's comments leave open a crucial question, which is whether the investigators are looking at how WikiLeaks obtained the documents (not unlike probing a news organization's source), or if they're looking at whether WikiLeaks staffers violated criminal law and should be the ones indicted.<sup>[87]</sup>

In March 2011 Holder left open the possibility that the Guantánamo Bay prison camp might live on beyond President Obama's first term. Asked in a congressional hearing whether the prison would be closed by November 2012, Holder said: "I don't know". He said the Justice Department has established a task force to look at each of the 172 detainees being held at the Guantánamo prison to address how they should be dealt with. Holder's comments come just weeks after CIA Director Leon Panetta told a Senate panel that Osama bin Laden would probably be shipped to and held at the Guantánamo Bay facility if he were captured.<sup>[88]</sup>

In December 8th 2014, Holder unveiled a new policy banning profiling on the basis of religion, gender, national origin, sexual orientation, and gender identity by federal law enforcement agencies.<sup>[89]</sup> However, the new policy will not apply to screenings at border and airport, as well as in intelligence operations.<sup>[90]</sup>

### 3.7 Opinion of Bush policies

During his confirmation hearings, Holder agreed with Senator Patrick Leahy, Democrat of Vermont, that a technique used by U.S. interrogators under the Bush administration known as waterboarding is torture.<sup>[91]</sup> Consequently, Senate Republicans delayed the confirmation vote on Holder though Senate Democrats accused them of applying a double standard.<sup>[92]</sup> He has been critical of Enhanced interrogation techniques and the NSA warrantless surveillance program, accusing the Bush administration of a "disrespect for the rule of law... [that is] not only wrong, it is destructive in our struggle against terrorism."<sup>[93]</sup>

Holder has stated that he favors closing the Guantanamo Bay detention camp; in 2002 he said that the detainees are not technically entitled to Geneva Convention protections.<sup>[94][95]</sup>

He is opposed to the Bush administration's implementation of the Patriot Act, saying it is "bad ultimately for law enforcement and will cost us the support of the American people."<sup>[96][97]</sup>

### 3.8 Racism

Holder gave a speech on racism on February 18, 2009, in the midst of Black History Month. “Though this nation has proudly thought of itself as an ethnic melting pot in things racial, we have always been, and we, I believe, continue to be, in too many ways, essentially a nation of cowards,” said Holder. “Though race-related issues continue to occupy a significant portion of our political discussion, and though there remain many unresolved racial issues in this nation, we, average Americans, simply do not talk enough with each other about things racial,” he said.<sup>[98]</sup>

The speech stirred some controversy, with some reacting favorably to Holder’s comments and others sharply criticizing them.<sup>[99][100]</sup> Obama later clarified Holder’s comments, saying that “I think it’s fair to say that if I had been advising my attorney general, we would have used different language.... I think the point that he was making is that we’re oftentimes uncomfortable with talking about race until there’s some sort of racial flare-up or conflict, and that we could probably be more constructive in facing up to the painful legacy of slavery and Jim Crow and discrimination.”<sup>[101][102]</sup>

#### 3.8.1 Federal hate crime charges in knockout game

On December 26, 2013, the U.S. Department of Justice filed federal hate-crime charges against a Texas man (who is white) accused of using the “knockout game” to target a black man. This was the first action taken by the Federal government to combat the alleged trend.<sup>[103]</sup>

#### 3.8.2 New Black Panther Party voter intimidation incident

See also: New Black Panther Party voter intimidation case

In May 2009, Holder’s Department of Justice completed



Alleged instance of voter intimidation in Philadelphia during the 2008 US presidential election.

a civil suit originally brought by J. Christian Adams of the Bush Justice Department against the New Black Panther Party, its chairman, and two of its members for voter intimidation due to their conduct during the 2008 election. Two members of the Party had stood outside a polling station during the election in paramilitary uniforms, one carrying a nightstick. Claiming a lack of evidence, the Department of Justice dropped charges against the party, its chairman, and one of the two members who had stood outside the polling station. With the evidence presented, the Department of Justice successfully obtained a narrow injunction against the other. Former lawyers who had served under the Bush Administration have stated that the current DOJ under Holder is unwilling to prosecute minorities for civil rights violations. Three other Justice Department lawyers, in recent interviews, gave the same description of the department’s culture, which department officials strongly deny. In the months after the case ended, tensions persisted. Eventually, Christopher Coates (of the Justice’s Civil Rights Division) acknowledged telling attorneys at a September 2009 lunch that the Obama administration was interested in filing cases – under a key voting rights section – only on behalf of minorities.<sup>[104]</sup>

During a meeting with a House subcommittee, Holder argued that the behavior (standing in a menacing way while brandishing a weapon) of the New Black Panther Party was not comparable to historical voter intimidation against minorities, which often involved acts of violence and murder. Holder said, “When you compare what people endured in the South in the '60s to try to get the right to vote for African Americans, to compare what people subjected to that with what happened in Philadelphia... I think does a great disservice to people who put their lives on the line for my people.”<sup>[105]</sup>

Critics have interpreted this comment as evidence of racial bias on Holder’s part, with conservative James Taranto<sup>[106]</sup> of the *Wall Street Journal* arguing that “If he [Holder] approaches the job with the attitude that any group smaller than all Americans is ‘my people’, he is the wrong man for the position.”<sup>[107]</sup> Claiming the issue was politicized from the start,<sup>[104]</sup> Democrats have argued that those on the political right, particularly Adams, used this incident for purely political gain.<sup>[108]</sup>

### 3.9 Operation Fast and Furious

Main article: Operation Fast and Furious

In May 2011, House Oversight Committee chairman, California Republican Rep. Darrell Issa and Iowa Republican Sen. Chuck Grassley sent Attorney General Holder a letter requesting details about Operation Fast and Furious, which had been a failed federal firearms sting operation, which had allowed some 2,000 weapons to reach Mexican drug gangs.<sup>[109][110]</sup> Grassley and Issa urged



Holder to cooperate and turn over subpoenaed records that would reveal the scope of the alleged government coverup.<sup>[111]</sup>

### 3.10 Contempt of Congress

In October 2011, 7,600 pages of documents were released that Issa claimed may have indicated Holder was sent memos in regard to Operation Fast and Furious earlier than he at first claimed,<sup>[112][113]</sup> contradicting Holder's sworn testimony before the House Judiciary Committee in which he said he only recently became aware of Operation Fast and Furious in the first half of 2011.<sup>[114][115]</sup> In April 2012, Issa announced that his committee was drafting a Contempt of Congress resolution against Holder in response to the committee being "stonewalled by the Justice Department."<sup>[116]</sup> On June 19, 2012, Issa met with Holder in person to discuss the requested documents. Holder said he offered to provide the documents to Issa on the condition that Issa provided his assurance that doing so would satisfy the committee subpoenas and resolve the dispute. Issa rejected the offer. Holder then told reporters "They rejected what I thought was an extraordinary offer on our part."<sup>[117]</sup> On June 20, 2012, the Oversight Committee voted 23–17 along party lines to hold Holder in contempt of Congress for not releasing documents the committee had requested.<sup>[118]</sup> A memo from Holder's office said of the vote: "It's an election-year tactic intended to distract attention."<sup>[119]</sup>

Although this vote was not directly relevant to gun legislation, the National Rifle Association announced that they would be scoring the contempt vote, due to Holder's previous stances on gun control legislation, placing political pressure on Democrats that wished to avoid repercussions from the gun lobby.<sup>[120]</sup> On June 28, 2012, Holder became the first U.S. Attorney General in history to be held in both criminal<sup>[121]</sup> and civil<sup>[122]</sup> contempt. He was held, by a bipartisan vote,<sup>[123]</sup> in contempt by the House of Representatives in a 255–67 vote, with 17 Democrats voting for the measure, 2 Republicans voting against the measure.<sup>[123]</sup> The remaining Democrats refused to vote and marched out of the House, led by Nancy Pelosi, as a means of protesting the actions of Republicans. Holder responded to the vote, describing it as "the regrettable culmination of what became a misguided and politically motivated investigation in an election year."<sup>[124]</sup>

The congressional action evoked reactions from across the political spectrum. Texas governor and Republican presidential candidate Rick Perry called on Holder to resign, stating "America simply cannot tolerate an attorney general who arms the very criminals he is supposed to protect us from."<sup>[125]</sup> Republican Sen. John Cornyn, ranking member of the Subcommittee on Immigration, Refugees and Border Security also called on Holder to resign.<sup>[126]</sup> Among those opposing the contempt citation, Democratic Rep. Elijah Cummings, the ranking member on the United States House Committee on Oversight and

Government Reform said, "Holder has acted honorably; he's done everything he could to allow us to do our job, which is to investigate this matter."<sup>[127]</sup>

President Obama and the Justice Department declined to prosecute the attorney general on the contempt charge citing executive privilege.<sup>[128]</sup>

In September 2012, after a nineteen month review, the United States Department of Justice Office of the Inspector General cleared the Attorney General of any wrongdoing with regard to Fast and Furious, stating that there was "no evidence" that Holder knew about the operation before early 2011. The report did cite fourteen lower ranking officials for possible disciplinary action.<sup>[129]</sup> Holder responded to the internal investigation, saying "It is unfortunate that some were so quick to make baseless accusations before they possessed the facts about these operations – accusations that turned out to be without foundation and that have caused a great deal of unnecessary harm and confusion."<sup>[130]</sup>

In retrospective, David Weigel of *Bloomberg Businessweek* called the Contempt of Congress vote "both popular and stunningly ineffective, enraging Holder and turning him into a more outspoken and implacable foe of Republican policies on voting rights and policing."<sup>[131]</sup> In August 2014, federal judge Amy Berman Jackson ordered the Justice Department to provide Congress with some of the previously withheld documents that had led Congress to hold Holder in contempt.<sup>[132]</sup>

### 3.11 Operation Choke Point

Main article: Operation Choke Point

Operation Choke Point is an ongoing initiative of the United States Department of Justice that was announced in 2013,<sup>[133]</sup> which is investigating banks in the United States and the business they do with payment processors, payday lenders, and other companies believed to be at higher risk for fraud, money laundering, and terrorist financing. This operation, first disclosed in August 2013 Wall Street Journal story<sup>[134]</sup> is controversial for the potential threat to due process; the government is pressuring the financial industry to cut off the companies' access to banking services, without first having shown that the targeted companies are violating the law.<sup>[135][136][137][138]</sup>

### 3.12 Refusal to prosecute financial institutions

Main article: Too big to fail

On March 6, 2013, Holder testified to the Senate Judiciary Committee that the size of large financial institutions has made it difficult for the Justice Department to

bring criminal charges when they are suspected of crimes, because such charges can threaten the existence of a bank and therefore their interconnectedness may endanger the national or global economy. “Some of these institutions have become too large,” Holder told the Committee, “It has an inhibiting impact on our ability to bring resolutions that I think would be more appropriate.”<sup>[139][140]</sup>

In a January 29, 2013 letter to Holder, Senators Sherrod Brown and Charles Grassley had criticized this Justice Department policy citing “important questions about the Justice Department’s prosecutorial philosophy.”<sup>[141]</sup> After receipt of a DoJ response letter, Brown and Grassley issued a statement saying, “The Justice Department’s response is aggressively evasive. It does not answer our questions. We want to know how and why the Justice Department has determined that certain financial institutions are ‘too big to jail’ and that prosecuting those institutions would damage the financial system.”<sup>[142][143]</sup>

Holder has financial ties to at least one law firm benefiting from *de facto* immunity to prosecution.<sup>[144]</sup> Prosecution rates against crimes by large financial institutions are at 20-year lows.<sup>[144]</sup> Holder has also endorsed the notion that prosecutors, when deciding to pursue white-collar crimes, should give special consideration to “collateral consequences” of bringing charges against large corporate institutions, as outlined in a 1999 memorandum by Holder. Nearly a decade later Holder, as head of the Department of Justice, put this into practice and has demonstrated the weight “collateral consequences” has by repeatedly sought and reached deferred prosecution and non-prosecution agreements and settlements with large financial institutions such as J.P. Morgan Chase, HSBC, Countrywide Mortgage, Wells Fargo, Goldman Sachs, and others where the institution pays a fine or penalty but faces no criminal charges and admits no wrongdoing.<sup>[145][146]</sup> Whereas in the previous decade the Bush administration’s Department of Justice often sought criminal charges against individuals of large institutions regardless of “collateral consequences” such as cases involving Enron, Adelphia Communications Corporation, Tyco International, and others.

In September 2014, he described the department’s rationale in a speech at New York University:

“Responsibility remains so diffuse, and top executives so insulated,” Holder said, “that any misconduct could again be considered more a symptom of the institution’s culture than a result of the willful actions of any single individual.”<sup>[147]</sup>

### 3.13 Classified leaks investigations

Main article: 2013 Department of Justice investigations of reporters

On May 13, 2013, the Associated Press announced telephone records for 20 of their reporters during a two-month period in 2012, had been seized by the Justice Department. They described these acts as a “massive and unprecedented intrusion” into news-gathering operations.<sup>[148][149]</sup> Holder testified under oath in front of the House Judiciary Committee and made it clear he recused himself from the leak investigations to avoid any appearance of a conflict of interest. Holder said his Deputy Attorney General, James Cole, was in charge of the AP investigation and would’ve ordered the subpoenas.<sup>[150]</sup> When questioning turned to possibility of journalists being charged under the Espionage Act for reporting classified material, Holder stated: “With regard to the potential prosecution of the press for the disclosure of material, that is not something that I’ve ever been involved in, heard of or would think would be a wise policy.”<sup>[151]</sup>

It was later reported the DOJ monitored Fox News reporter, James Rosen’s activities by tracking his visits to the State Department, through phone traces, timing of calls and his personal emails.<sup>[152]</sup> NBC confirmed with the Justice Department that Holder had personally signed off on the Rosen subpoenas. They defended their decision and spoke about a balance between protecting national secrets and the 1st Amendment, stating: “After extensive deliberations, and after following all applicable laws, regulations and policies, the Department sought an appropriately tailored search warrant under the Privacy Protection Act.”<sup>[151]</sup> The revelation brought into question whether Holder was being intentionally misleading during his previous testimony. House Committee members sent an open letter to Holder, saying: “It is imperative that the committee, the Congress, and the American people be provided a full and accurate account of your involvement.”<sup>[153]</sup>

### 3.14 Resolution proposing articles of impeachment

On November 14, 2013, Representative Pete Olson (R-TX), along with 19 Republicans, introduced a resolution proposing Articles of Impeachment against Holder. The Articles cited Holder for his alleged role in Operation Fast and Furious, refusal to defend the Defense of Marriage Act in court, failing to prosecute anyone involved in the IRS targeting of groups based on name and political theme, and for allegedly perjuring himself by stating that he had no knowledge of any potential prosecution of members of the media for disclosure of classified material.<sup>[154][155]</sup> As of June 2014, there were 26 sponsors to the bill.<sup>[156]</sup>



### 3.15 Resignation

Holder announced his resignation on September 25, 2014, citing personal reasons. He remained in office until the Senate confirmed his successor, Loretta Lynch.<sup>[3][157][158]</sup>

## 4 Personal life

Holder is married to Dr. Sharon Malone, an obstetrician. The couple has three children.<sup>[159]</sup> Malone's sister was Vivian Malone Jones, famous for her part in the Stand in the Schoolhouse Door which led to integration at the University of Alabama.<sup>[160]</sup> Holder has been involved with various mentoring programs for inner-city youths. He is also an avid basketball fan,<sup>[161]</sup> and the uncle of former NBA All-Star Jeff Malone.<sup>[31]</sup>

### 4.1 Awards

In May 2008, while still in private practice, *Legal Times* magazine named Holder as one of the "Greatest Washington Lawyers of the Past 30 Years," describing Holder as one of the "Visionaries."<sup>[162]</sup> Also in that year, Holder was named by the *National Law Journal* as one of "the 50 Most Influential Minority Lawyers in America."<sup>[163]</sup> The *National Law Journal* commended Holder's practice in the areas of civil litigation and white-collar defense, as well as his work as a national co-chair for Obama's campaign.<sup>[164]</sup>

In June 2009 the Government of Barbados announced that it would begin a project to determine the first 100 Great Barbadians which would be selected among the public of Barbados. At the announcement of the project it was announced that Holder was the first candidate to be nominated toward the final list.<sup>[165]</sup>

On May 16, 2010, Holder delivered the commencement address at Boston University, for both the all-university ceremony and the School of Law. In addition, he was presented with an honorary Doctor of Laws degree.<sup>[166]</sup> On May 22, 2011, Holder delivered the commencement address at the University of Virginia School of Law. Holder encouraged the graduates to emulate Virginia Law alumnus Robert F. Kennedy's legacy of service.<sup>[167]</sup> On May 19, 2009, Holder was chosen by his alma mater, Columbia College, to be its Class Day Speaker.<sup>[168]</sup>

In August 2012, the National Urban League named Holder as a recipient of their "Living Legend" award along with singer Stevie Wonder.<sup>[169]</sup>

In May 2012, Holder delivered the commencement address at Harvard Law School. He encouraged them to continue to engage in public service and that they should use their skills to shape the future of the nation.<sup>[170]</sup>

In May 2013, Holder delivered the commencement ad-

dress at U.C. Berkeley School of Law.<sup>[171]</sup>

## 5 See also

- Barack Obama Supreme Court candidates

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  - Homeland Security Policy Institute
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## 8 External links

- Profile at the United States Department of Justice
- Eric Holder collected news and commentary at *The Washington Post*
- Appearances on C-SPAN
- Eric Holder collected news and commentary at *The New York Times*
- Works by or about Eric Holder in libraries (WorldCat catalog)



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