



Written by [Wallis W. Wood](#) on June 29, 2012

## Eric Holder Has to Go

It should be just a matter of time before Holder is no longer our nation's top law-enforcement officer. While the list of unconstitutional excesses by the Obama administration is longer than both of my arms, Holder's bungling mismanagement of the Fast and Furious crisis, followed by his outright defiance of Congress, is reason enough to color him gone.

What's gotten lost in the whole contrived controversy over Holder's claim of executive privilege is how this uproar began. In 2009, someone in the Bureau of Alcohol, Tobacco, Firearms and Explosives approved plans to let some 2,000 illegal weapons in the United States get into the hands of a Mexican drug cartel. The idea was to track where the guns went, so they could nail some drug kingpins.

A bad idea went terribly awry in 2010, when Border Patrol Agent Brian Terry was killed in a shoot-out with drug traffickers. A firearm found out at the scene was traced to the botched federal program.

Congress decided to investigate how this whole mess happened. And that's when Holder's Justice Department made a huge mistake. It sent a letter to Congress in February 2011 flatly denying that any such program ever existed.

The House Oversight Committee didn't buy it and demanded to see various reports and communications. One of the items that subsequently came to light was an email in March of last year from then-acting ATF Director Kenneth Melson urging the Justice Department to "back off the letter." But it took another seven months before Holder's agency acknowledged the existence of the Fast and Furious program and admitted its previous claims weren't true.

That would have been a very good time for Holder to abide by the old maxim, "If you mess up, 'fess up." Instead, he took the opposite tack and dug in his heels. So far, Justice has given Congress only a tiny fraction of the documents it has requested, insisting that all of the others are somehow protected by executive privilege.

Claims of executive privilege can apply when you're talking about communications between the President and the people who work for him, such as the Attorney General. But not when you're trying to keep a duly constituted congressional committee from learning about communications within a Federal department.

In a [lead editorial](#) last week, The Wall Street Journal noted the curious contradictions and dangerous implications of what's happening here:

Did White House officials know and approve Fast and Furious before it went awry, and did they advise the Justice Department on how to respond to Congress's investigation into the





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operation's failure?

How can the President invoke a privilege to protect documents he and the White House are supposed to have had nothing to do with?

And what is so damaging or embarrassing in those documents that Mr. Obama is now willing to invest his own political capital to protect it from disclosure — at least until after the election?

The last three words contain the key to the current unpleasantness. Obama would like nothing better than to put off any resolution until after Nov. 6. And I think it's safe to assume that Holder would like to keep his cushy job for as long as possible. Who could blame him?

If a majority of House members do vote to hold the Attorney General in contempt, then what happens? It would be up to a U.S. Attorney to prosecute the case — which means he would be prosecuting his own boss. Does anyone see a potential conflict of interest there?

On the other hand, Holder could order the U.S. Attorney not to prosecute. Wouldn't Republicans have a field day with that one?

Unless Republicans in the House agree to meekly back down (something I don't see happening), it won't be long before Holder is gone. Some 115 Republican members of Congress have signed a no confidence resolution against Holder. Dozens already called for his resignation. Several members of the Senate, including two members of the Senate Judiciary Committee, echoed that demand.

Holder has been very obliging in the past about doing whatever his boss in the White House wanted. This included refusing to enforce the Defense of Marriage Act and declining to prosecute New Black Panther Party members who were caught on tape in November 2008 trying to intimidate voters.

So I have no doubt that when Barack Obama wants to shove him out the door of Justice, Holder will quickly oblige. As I said before, you can color him gone. But don't get me wrong. This doesn't mean that justice has been done at Justice. We've got a long way to go — at least until January — before that happens.

Until next time, keep some powder dry.

***Chip Wood** was the first news editor of The Review of the News and also wrote for American Opinion, our two predecessor publications. He is now the geopolitical editor of Personal Liberty Digest, where his Straight Talk column appears weekly. This article first appeared in [PersonalLiberty.com](#) and has been reprinted with permission.*



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