



Written by [Wallis W. Wood](#) on May 31, 2013

It's Time to Fire Eric Holder

Did the Attorney General of the United States commit perjury when he appeared before the House Judiciary Committee two weeks ago? It sure looks like it.

Eric Holder was testifying about the growing scandal over the Justice Department's seizure of telephone records of some Associated Press reporters and editors. Representative Hank Johnson (D-Ga.), one of the committee members, asked him if the Justice Department thought it could use the Espionage Act of 1917 to prosecute reporters.



Holder offered what appeared to be a straightforward reply. He said, "In regard to potential prosecution of the press for the disclosure of material — this is not something I've ever been involved in, heard of, or would think would be wise policy."

Ah, but we later learned that is *precisely* what Holder's agency had done against James Rosen, a reporter for FOX News. The Justice Department warrant authorizing the seizure of Rosen's emails declared that there was "probable cause" to believe the reporter violated the Espionage Act "at the very least, either as an aider, abettor and/or co-conspirator."

Based on this extraordinary accusation, a Federal judge agreed to the Justice Department's request for a secret search warrant for Rosen's private Gmail account. And guess what? The person who signed the Justice Department affidavit making those allegations was none other than the head man himself, Holder.

And while some of Holder's defenders claim that he had just scribbled his signature on a whole bunch of papers his staff put in front of him, apparently this isn't true either. Several reports say that he "carefully vetted" the Rosen paperwork.

It appears that the top boss at Justice knew *exactly* what he was doing when he ordered the surreptitious search of a reporter's emails. So much for Holder's claim that this is "not something I've ever been involved in." As Desi Arnaz used to say to Lucille Ball, the Attorney General has "got some 'splainin' to do."

Of course, this was also the case three years ago, when Congress tried to find out what went wrong in Operation Fast and Furious. You'll recall that this was a botched effort by the Bureau of Alcohol, Tobacco, Firearms and Explosives to trace how weapons went from the United States to Mexican drug cartels. Some 2,000 firearms went missing from the program. One of those weapons subsequently was used in Arizona to kill U.S. Border Patrol agent Brian A. Terry.

Congressional investigators looking into the fiasco asked Holder to give them certain documents relating to the Fast and Furious program, since ATF is a part of the Justice Department. When he refused, they served him with a subpoena demanding them. President Barack Obama then asserted executive privilege, and the Administration refused to surrender them.



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As a result, the House of Representatives voted to hold the Attorney General in contempt of Congress. To no one's surprise, the Justice Department refused to prosecute the case.

The Administration was able to protect its guy back then. But even many Democrats are starting to question Holder's veracity now. Representative John Conyers, the ranking Democrat on the House Judiciary Committee, says he is "deeply troubled" by some of the Justice Department's actions. But he's willing to give Holder the benefit of the doubt... at least for now.

"Certainly, it is fair to ask additional questions about the Rosen investigation, and any role the attorney general may have played in it," Conyers said in a statement. Then he added, "[B]ut I do not believe it credible to level charges that he may have intentionally misled the committee on this matter before we know the facts of the case in question."

So what will the facts ultimately reveal? Did the Attorney General perjure himself this time around? Representative Peter King (R-N.Y.) is one of many people who seem to think so. He said, "There've been other people over the years indicted for perjury or tried for perjury on a lot less evidence than that."

The House Judiciary Committee has sent Holder a letter, asking him to explain the apparent discrepancy between his actions against Rosen and what he told the committee when he testified under oath on May 15. Representative Robert W. Goodlatte (R-Va.), the committee chairman, said, "We will withhold judgment on what the attorney general's actions constitute until we give an opportunity for him to explain himself."

Even Obama said a couple of days ago that he is "troubled" about these apparent assaults on the freedom of the press by the Justice Department. But, hey, not to worry: He is going to ask Holder to investigate matters and report back to him.

In other words, the President will ask the fox to look into what's been happening in the chicken coop. That should make everyone feel better, shouldn't it?

One liberal law professor has had enough. In a powerful column in *USA Today*, Jonathan Turley, the Shapiro Professor of Public Interest Law at George Washington University, said that a hallmark of Holder's service as attorney general has been his unquestioned loyalty to Obama:

When the president promised CIA employees early in his first term that they would not be investigated for torture, it was the attorney general who shielded officials from prosecution.

When the Obama Administration decided it would expand secret and warrantless surveillance, it was Holder who justified it.

When the president wanted the authority to kill any American he deemed a threat without charge or trial, it was Holder who went public to announce the "kill list" policy.

But now, Turley says, the Justice Department has gone too far. "The attorney general has done little in his tenure to protect civil liberties or the free press," the law professor wrote. "Rather, Holder has supervised a comprehensive erosion of privacy rights, press freedom and due process."

Turley says the Justice Department's sweeping surveillance of journalists represents "the greatest attack on the free press in decades." And he has had enough. "I am neither a Republican nor conservative," he declared, "and I believe Holder should be fired."

Right now, the Attorney General is scrambling to protect himself. While he claims that the Justice Department hasn't violated any laws or guidelines, he admits that the rules "need to be updated." And



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he called the controversy “an opportunity for the department to consider how we strike the right balance between the interests of law enforcement and freedom of the press.”

Nice try, Holder, but it won't work. Better dust off your résumé and start exploring opportunities in the private sector, as the soon-to-be-departed like to say. Looks like we can color you gone. And it's about time.

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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