

Friday, January 16, 2009

PRESS RELEASE

UPDATE

Judgment and integrity of Eric Holder, investigator of HMB sit-in, put into question yesterday on Capitol Hill

Please [CLICK HERE](#) to download and review the Holder Report, which had the effect of whitewashing the I. King Jordan administration's involvement in the raid by Gallaudet campus police on the Hall Memorial Building on October 6, 2006 where Gallaudet protesters were holding a peaceful sit-in as part of the boycott of classes during the 2006 protest.

Eric Holder's judgment and integrity was put into question yesterday on Capitol Hill during his testimony before the Senate Judiciary Committee. Links to the Senators' biographies and web pages are provided below for members of the Gallaudet community wishing to contact their Senators to advise them on the fitness of Eric Holder for the job of Attorney General.

Please also see yesterday's update (below).

Patrick J. Leahy
Chairman, D-Vermont
[*Biography*](#)

Edward M. Kennedy
D-Massachusetts
[*Biography*](#)

Arlen Specter
Ranking Member, R-Pennsylvania
[*Biography*](#)

Joseph R. Biden, Jr.
D-Delaware
[*Biography*](#)

Orrin G. Hatch
R-Utah
[*Biography*](#)

Herb Kohl
D-Wisconsin
[Biography](#)

Charles E. Grassley
R-Iowa
[Biography](#)

Dianne Feinstein
D-California
[Biography](#)

Jon Kyl
R-Arizona
[Biography](#)

Russell D. Feingold
D-Wisconsin
[Biography](#)

Jeff Sessions
R-Alabama
[Biography](#)

Charles E. Schumer
D-New York
[Biography](#)

Lindsey Graham
R-South Carolina
[Biography](#)

Richard J. Durbin
D-Illinois
[Biography](#)

John Cornyn
R-Texas
[Biography](#)

Benjamin L. Cardin
D-Maryland
[Biography](#)

Sam Brownback
R-Kansas
[Biography](#)

Sheldon Whitehouse
D-Rhode Island
[Biography](#)

Tom Coburn
R-Oklahoma
[Biography](#)

HERE IS YESTERDAY'S COMMUNITY UPDATE, NOW RELEASED TO THE PRESS ON JAN. 16, 2009, 9:30 AM:

Thursday, January 15, 2009, 11:03 pm Eastern Time

Judgment and integrity of Eric Holder, investigator of HMB sit-in, put into question today on Capitol Hill

[CLICK HERE](#) to download the Holder Report, which whitewashed the Jordan administration's responsibility, including DPS's involvement, in the raid on the Hall Memorial Building on October 6, 2006.

The following is quoted from today's Jim Lehrer NewsHour program on PBS. The interviewee, Robert Alt, gives a startling characterization of Eric Holder:

REPORTER: Robert Alt, the nominee [Eric Holder] spent the entire day today under questioning on many of the issues that you've identified publicly as the ones that give you pause: the FALN [Fuerzas Armadas de Liberación Nacional] clemency, the Mark Rich pardon, his opinion on the DC gun law, and many others. Did he satisfy you in the way he answered those questions?

ROBERT ALT: Well, I have to say, particularly in regard to the FALN terrorism case, he did not. With Mark Rich, his pardon, he at least took responsibility for it being a mistake, and yet, when it came to the FALN case, he referred to that decision as "reasonable." I just don't see how he could say that. He violated virtually every DOJ protocol in releasing--Let's be quite clear about how dangerous these individuals were. Two of them refused the deal because they would not renounce future violence against the United States. They didn't ask for clemency, and yet he instructed the pardon attorney to go and procure from them contrition in order to support the document, which is ultimately what [President] Clinton relied upon in issuing the clemency. This clemency should never have been given, and there was no clear reason, other than potential politics for doing so. To call it a "lapse in judgment," when you've got an organization identified as one of the leading domestic terrorism organizations in the United States, is an understatement.

REPORTER: Though it should be pointed out that none of the people released were directly involved in these attacks. None of them committed crimes of violence themselves. Does that make any difference to you?

ROBERT ALT: Well, but once again, they failed to turn over information about individuals who were still involved in crimes of violence, which ordinarily would

be required. They failed to reveal information about over 7.2 million dollars that they had been involved in stealing. They failed to, as I said, two wouldn't even take the [clemency] deal because they failed to renounce future violence against the United States. They had demonstrated no contrition. Two US attorneys who prosecuted them advised against granting clemency. You had victim statements recommending against clemency. Every conceivable factor pointed against. Some of the people who were investigated about possible clemency had sought elaborate escapes from prison even. This was a colossal mistake. I should also add that there were other mistakes in judgment that he was a part of. While he seems to have taken a relatively light view on terrorists, he instituted a very aggressive program with regard to prosecution of corporate criminality which, through mid-level managers under the boss, the so-called "Holder Memo" with regard to attorney-client privilege coerced corporations to waive attorney-client privilege, oftentimes for mid-level managers, as well as got them to fail to pay attorney's fees that they were oftentimes contractually obligated to do. A court recently found that that violated the Sixth Amendment rights of these employees.

LINK:

http://www.pbs.org/newshour/newshour_index.html

From <http://www.heritage.org>:

January 14, 2009

Key Questions for Eric Holder, Nominee for United States Attorney General
by [Robert Alt](#)

WebMemo #2220

The United States Senate will soon render its advice and consent on the nomination of Eric Holder as the new United States attorney general. Holder served as deputy attorney general in the Department of Justice (DOJ) during the Clinton Administration.

Many questions have arisen about various nominees' "independence" from the very President to whom the cabinet secretaries should be answerable.

Not only is this the wrong question, but it rests on a misguided view of executive power in which subordinates somehow wield more authority than superiors. The proper question is one of judgment: Does the nominee demonstrate the kind of judgment necessary to advise and represent the President in a responsible and constitutionally appropriate way?

In at least five areas, Holder has demonstrated highly questionable judgment. The following questions should allow him to explain those actions and positions.

Question #1: Pardoning Terrorists

As deputy attorney general, you played an active role in promoting clemency for 16 members of FALN and Los Macheteros, terrorist organizations linked by the FBI to more than 130 bombings and six murders.

The Los Angeles Times reported last week that you instructed your staff to change its "original report recommending against commutations ... with one that favored clemency for at least half the prisoners." [1] When DOJ Pardon Attorney Roger Adams resisted, your office instructed him to write an "options memo" keeping clemency on the table. Adams said "it was such a big deal to consider clemency for a group of people convicted of such heinous crimes."

In addition to ignoring the advice of the pardon attorney, you advocated clemency in a case in which there were numerous reasons not to do so, including:

- Two U.S. Attorneys strongly recommended against clemency.
- The prisoners failed to reveal information about fugitives who were part of their terrorist conspiracy, despite the fact that there were ongoing investigations and prosecutions.
- The prisoners failed to provide information on the whereabouts of \$7.2 million in stolen funds.
- The prisoners had not expressed contrition. (Indeed, you instructed the pardon attorney to obtain statements to that effect. Ordinarily, existing contrition must be offered in support of clemency; it is not something to be generated after the fact.)

- Two prisoners were so set on continuing their terrorism that they refused clemency and remained in prison rather than agreeing to renounce violence as part of the deal.

While the decision to grant clemency ultimately rested with the President, new evidence obtained in DOJ memos suggests that you went to great lengths to advise him to do so.^[2]

Given the seriousness of their charges, the lack of pre-clemency negotiation contrition, the well-reasoned statements of the pardon attorneys, the strong negative recommendations of the prosecuting attorneys, the presence of an ongoing investigation of the terrorist organizations to which the convicted terrorists had failed to provide assistance, and the failure to provide information about millions in stolen cash, why did you consider it appropriate to advocate so aggressively for clemency?

LINK:

<http://www.heritage.org/Research/LegalIssues/wm2220.cfm>

See also:

http://gallyprotest.org/correia_letter.pdf