



Eric Holder's legacy: Security, civil rights

By Bill Mears

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"With Eric Holder's departure, the nation can begin to heal. His was the most divisive tenure of any attorney general I can recall, tearing the country apart on racial and partisan lines," said Ilya Shapiro, a senior fellow at the libertarian Cato Institute. "By not just pushing but breaking through the envelope of plausible legal argument, Attorney General Holder has done his all to expand federal (especially executive) power and contract individual liberty beyond any constitutional recognition. Eric Holder will not be missed by those who support the rule of law."

Changes in sentencing guidelines

Perhaps the issue closest to the attorney general's heart was working to change sentencing guidelines to give prosecutors more flexibility in certain non-violent criminal cases. He and his aides have been pushing for rehabilitation instead of warehousing of prisoners, and getting rid of the disparity in the way the justice system deals with defendants charged in cocaine and crack cocaine crimes.

He is joined in that effort by Sen. Rand Paul, R-Kentucky, and other conservatives who have similar views on expanded individual rights.

But Holder's moves to use administrative memos to make effective changes before Congress passes new laws have also generated criticism.

Former Attorney General Michael Mukasey told CNN's Jake Tapper recently that he generally agreed with "the goal of getting rid of mandatory minimums... But the way to do that is to pass a law, not to say you're going to disregard the law."

Iowa Sen. Charles Grassley, the ranking Republican on the Judiciary Committee and a frequent Holder critic, has similarly criticized the Obama administration for taking action without waiting for Congress.

Efforts on national security

On the national security front, Holder has been unsuccessful in his desire to close the Guantanamo military prison, where mostly Muslim terror suspects and other "enemy combatants" are being held, over the strong objections of many nations and international human rights groups.

His department cites the successful prosecution of dozens of terror suspects in the civilian criminal justice system.

Holder this month also announced a program to try to thwart recruitment by extremist groups such as ISIS, attempting to involve social and mental health workers as well as religious leaders and police to spot radicalization early.

It was an effort to blend community outreach programs with stepped-up government surveillance, especially toward young Americans who would be willing to go overseas and join terror groups, including in Syria.

Despite those efforts, authorities say more than 100 Americans have traveled in recent years to join groups involved in the Syrian civil war. More than a dozen are believed to have joined ISIS, which calls itself the Islamic State.

"I think it's just a matter of time before they start looking outward and start looking at the West and at the United States in particular," Holder warned this summer, referring to ISIS recruitment efforts.

Balancing security and freedom

Many legal and security experts see a mixed record for the administration's efforts to balance security and freedom in a post-9/11 era. There has been criticism over the failure to prevent the leak of sensitive national security information by former NSA contractor Edward Snowden, who disclosed a secret, sweeping government program to gather millions of Americans' phone "metadata" records without their permission or knowledge.

When discussing his civil rights efforts, Holder often mentions his sister-in-law, who in 1963 made history as one of the two black students who integrated the University of Alabama under federal armed guard.

A portrait of a Justice Department prosecutor who stood watch on the university steps that day hangs in Holder's personal office in a fifth-floor corner of the Justice Department headquarters -- named for Robert F. Kennedy, another one of his heroes.

In a May speech, Holder talked about his role as both a defender of justice and a guardian of safety and security -- and how he approached that often-competing challenge.

"In recent years, thousands of Americans, the pride of our nation, have given their lives -- and deal even today with the scars of war -- so that hopeful, striving people who live continents away could proudly hold up their purple fingers after voting in a truly democratic process," he said.

"America is now 50 years from Freedom Summer. And we must not countenance, within our own borders, practices that would make it difficult or impossible to exercise the right for which so many have given so much."