

## What's Next For Eric Holder Jr.?

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Eric Holder Jr., the country's first African-American attorney general, announced his resignation Thursday after leading the U.S. Department of Justice for more than five years. Holder, whose enforcement of civil rights will long define his service, had said he did not intend to remain at the helm for the duration of President Barack Obama's second term in the White House.

Holder on Thursday did not get into details about his postgovernment plans, and the president did not immediately name a successor to replace Holder, who joined the Justice Department in 2009 from Covington & Burling in Washington. Holder, however, hinted he might not be entirely done with public service or public interest law.

"In the months ahead, I will leave the Department of Justice, but I will never, I will never leave the work," he said in [remarks](#). "I will continue to serve and try to find ways to make our nation even more true to its founding ideals."

Holder intends to remain at his post until a successor is named and confirmed by the U.S. Senate. A White House spokesman said earlier on Thursday that there is no timetable yet for choosing a candidate.

President Barack Obama appeared with Holder during Thursday's press conference, applauding his accomplishments as a civil rights leader—"reinvigorating" the Civil Rights Division was one of Holder's proudest achievements, Obama said—and in fighting corporate corruption. The president said the Justice Department had recovered \$85 billion from financial institutions since 2009. Holder's departure, Obama said, was "bittersweet."

"I chose him to serve as attorney general because he believes, as I do, that justice is not just an abstract theory. It's a living and breathing principle," Obama said during his 10-minute [speech](#).

It's unclear what Holder will do next. In the Big Law world, many lawyers for months have speculated he would return to Covington. Firm chairman Timothy Hester didn't respond to requests for comment Thursday. A firm spokesperson declined to comment.

Among his other options, many Washington lawyers who've worked with Holder speculated he could seek positions within civil rights or nonprofit groups, leading a university or residing at a think tank, the lawyers said.

"I'm sure he would have a lot of options," said Anthony Pierce, Washington partner in charge at Akin Gump Strauss Hauer & Feld.

Other firms besides Covington could court Holder, though some, especially those who have clients in the banking industry, may see his six years leading DOJ as hostile toward certain industries and corporations, a lawyer at another firm said.

Of course, the attorney general could take time before announcing a new job.

"He could do anything" said Sherrilyn Ifill, president of the NAACP Legal Defense and Educational Fund. "He could lead boards of various organizations. He could take some time off and write an amazing book."

Ifill declined to comment whether she has discussed with Holder a position at the Legal Defense Fund, one of the most prominent civil rights litigation groups in the country. When she last spoke with Holder, 10 days ago, Ifill said he didn't indicate he had planned his resignation.

Holder has had close ties to Covington since then, both personally and through former colleagues.

Holder's former Justice Department colleague Lanny Breuer, who led the Criminal Division until last year, [is now a vice chairman at Covington](#). Mythili Raman, an acting assistant attorney general during Holder's tenure, [joined Covington in April](#). Other lawyers now at the firm who worked with Holder at Main Justice include Daniel Suleiman, Steven Fagell and James Garland.

In April, Holder and his wife, Dr. Sharon Malone, [purchased](#) a \$1.5 million condo at CityCenterDC, the same complex where Covington's Washington office will relocate in about a month.

Speculation about Holder's resignation [ramped up in recent weeks](#) as he neared his goal of visiting every U.S. attorney's office in the country. Holder [said earlier this year](#) that he'd stay "well into 2014."

In 2012, [Holder announced](#) he did not plan to remain attorney general for the next four years. He is one of four Obama cabinet members remaining since 2009—along with Secretary of Agriculture Tom Vilsack, Secretary of Education Arne Duncan and Vice President Joe Biden.

"It's been an interesting and tough four years," Holder said then. He said he would ask himself "Do I think that there are things that I still want to do? Do I have gas left in the tank?"

Holder's announcement came less than two weeks after Tony West, the Justice Department's third-in-command, [announced his resignation](#). West reportedly [will become the general counsel](#)

to PepsiCo Inc., joining Larry Thompson, a former top Justice Department official during the Bill Clinton presidency.

### **Holder's legacy**

As the first African-American attorney general, Holder brought personal experience to civil rights issues. He was credited with helping to calm the turmoil in Ferguson, Mo., last month after a white police officer fatally shot a black youth. During a visit to Ferguson, Holder recalled his own experiences as the target of racial profiling by police.

In the aftermath of the shooting Brown, Holder spoke defiantly—and personally—on race and law enforcement abuses. "I understand that mistrust. I am the attorney general of the United States. But I am also a black man," Holder [said at St. Louis Community College on Aug. 20](#).

"There has been no greater ally in the fight for justice, civil rights, equal rights and voting rights than Attorney General Holder," said Myrlie Evers, widow of murdered civil rights activist Medgar Evers.

Wade Henderson, president of the Leadership Conference on Civil and Human Rights, said in a statement: "His tenure is even more remarkable considering that he was victim to an unprecedented witch hunt and abuse of power by House Republicans. Their attempt to stain the office by issuing the only contempt citation against a sitting cabinet member in modern history only validated Attorney General Holder's effectiveness and commitment to promoting the civil and human rights of all Americans."

Advocates for LGBT equality praised Holder for spearheading the Obama administration's decision not to defend the Defense of Marriage Act, which defined marriage as between a man and a woman under federal law. Once the U.S. Supreme Court [struck down the law in 2013](#), Holder moved quickly to open more than 1,000 federal benefits to same-sex couples, the Human Rights Campaign said on Thursday.

"He was our Robert F. Kennedy, lightening the burden of every American who faces legal discrimination and social oppression," Chad Griffin, the campaign's president, said.

A few years ago, when rumors spread that Holder wanted to leave office, "We begged him to stay" to complete unfinished projects, recalled Barbara Arnwine, president of the Lawyers' Committee for Civil Rights Under Law. "But we don't begrudge him wanting to leave now."

Ilya Shapiro of the Cato Institute also criticized Holder's tenure, accusing him of "tearing the country apart on racial and partisan lines," partly because of Holder's support for affirmative action. Shapiro added, "Eric Holder will not be missed by those who support the rule of law."

### **Clashes with Congress**

Holder was a common foe of House Republicans, who repeatedly butted heads with the department over the release of information about the botched Operation Fast and Furious gun-

sting operation. In June 2012, the House [voted to find Holder in contempt of Congress](#). Later that year, House Republicans [sued Holder](#), seeking the release of documents about the Justice Department's response to the congressional inquiry. The lawsuit is pending in Washington federal district court.

Rep. Darrell Issa, R-Calif., chairman of the Committee on Oversight and Government Reform, released a statement on Thursday saying that Holder had “administered justice as the political activist he describes himself as instead of an unbiased law enforcement official. By needlessly injecting politics into law enforcement, Attorney General Holder’s legacy has eroded more confidence in our legal system than any attorney general before him.”

Issa said that although Obama and the Senate “should work expeditiously to find a replacement, time and care must be taken to ensure that our next attorney general recognizes and does not repeat Mr. Holder’s mistakes.”

Democrats on Capitol Hill, meanwhile, lamented the news. Senate Judiciary Committee Chairman Patrick Leahy, D-Vt., called Holder “an extraordinary leader.” Leahy said that he especially appreciated “how Attorney General Holder has restored the Civil Rights Division to its historical mission.”

Rep. Eleanor Holmes, D-D.C., who recommended Holder in 1993 to be the U.S. attorney for the District of Columbia, said in a statement that it was “heartbreaking” to see Holder leave. Norton said Holder called her to let her know about his decision to step down.

Norton praised Holder’s commitment to reduce the sentences of thousands of low-level offenders in jail. This year, Holder advocated for reforms to the federal sentencing guidelines and rolled out new guidelines for when the department would recommend individuals to the White House for clemency.

The department reached a series of big-dollar settlements with banks over their role in the 2008 financial crisis—most recently, a \$16 billion settlement with Bank of America announced last month. However, Holder faced criticism that the department wasn’t aggressive enough in prosecuting the financial-services industry.

Holder drew scrutiny in March when he said during testimony on the Hill that there were some big banks that would be difficult to prosecute for fear of affecting the national or world economy. In a [letter earlier in the year](#), Sen. Sherrod Brown, D-Ohio, and Sen. Chuck Grassley, R-Iowa, told Holder that many of the settlements the department reached with large financial institutions were “disproportionately low.”

In the national security arena, Holder pushed for trials against suspected terrorists to take place in U.S. courts, with varying success. In 2009, he announced plans to prosecute five individuals charged in connection with the 9/11 attacks in federal court in New York, but [dropped that plan after facing fierce opposition from lawmakers](#). Last year, however, prosecutors tried the late Osama bin Laden’s son-in-law and associate Sulaiman Abu Ghayth in a U.S. court, where he was found guilty and sentenced to life in prison.

The Justice Department's anti-terrorist surveillance efforts got Holder into trouble with the news media last year when it was revealed that phone records of The Associated Press had been subpoenaed a year earlier without the knowledge of the news agency.

But Holder recovered to a degree by meeting with media organizations seven times to discuss revising department guidelines on subpoenaing journalists.

"The Department of Justice is firmly committed to ensuring our nation's security, and protecting the American people, while at the same time safeguarding the freedom of the press," Holder [said in announcing recommendations](#) that would give journalists notice of subpoenas beforehand, in most cases.

Gregg Leslie, legal defense director of the Reporters Committee for Freedom of the Press, said Thursday that though the department "overreached" in its surveillance programs, Holder deserved credit for "opening up a dialogue with the news media."