



**Judicial
Watch®**
*Because no one
is above the law!*

January 13, 2009

The Honorable Patrick J. Leahy
Chairman
United States Senate Committee on the Judiciary
United States Senate
433 Russell Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter
Ranking Member
U.S. Senate Committee on the Judiciary
United States Senate
711 Hart Building
Washington, DC 20510

Dear Senators Leahy and Specter:

Judicial Watch, Inc. is a non-profit, non-partisan educational foundation that advocates for the rule of law and against government corruption. We are supported nationwide by hundreds of thousands of Americans and have a fifteen-year record of holding members of both major political parties accountable to the law. Judicial Watch opposes the nomination of Eric Holder for Attorney General for the following reasons:

- Mr. Holder bypassed Justice Department procedures designed to protect the pardon process from corruption and abuse. Judicial Watch was involved in extensive Freedom of Information Act litigation against the Bush Justice Department concerning President Clinton's last-minute pardons. The Bush administration released over 900 blacked-out pages concerning these pardons. How can the committee fully consider Mr. Holder's nomination without full access to these important documents?
- Mr. Holder misled investigators, while under oath, about his involvement in the pardon process for Marc Rich. (Judicial Watch was able to extract the Marc Rich pardon petition from the Bush administration and recently provided it to the Committee.) Frankly, his personal involvement and

obfuscations in the Rich pardon matter should have been the subject of a serious criminal investigation.

- Mr. Holder's actions resulted in clemency for a number of unrepentant terrorists from the FALN and Weather Underground. (Judicial Watch was able to force the Clinton administration to release through FOIA many documents concerning the FALN pardons. Among other things, they document strong opposition to clemency from the FBI. Again, these FOIA documents have been provided to the Committee.)
- Mr. Holder steadfastly opposed the appointment of an independent counsel to investigate fundraising controversies related President Bill Clinton and Vice President Gore. As a result, apparent violations of law went uninvestigated by authorities. Mr. Holder is also alleged to have threatened a witness in the Clinton fundraising matter, Noland Hill, with prosecution if she publicized information she had about Clinton administration misconduct. Judicial Watch obtained sworn testimony concerning Mr. Holder and Ms. Hill in a federal court hearing.
- Mr. Holder undermined the criminal investigation of President Clinton by Kenneth Starr in the midst of the Lewinsky investigation.
- Mr. Holder authorized and orchestrated the legally and morally problematic violent raid on the home of Elian Gonzalez to send the six-year-old boy back to the totalitarian state of communist-controlled Cuba. Judicial Watch represented the victims of this raid.
- As U.S. Attorney for the District of Columbia, Mr. Holder declined to prosecute apparent perjury by a Clinton official, Ira Magaziner, despite a referral by a federal judge. The Clinton Library in Little Rock, Arkansas, continues to withhold documents that the Committee may want to review concerning this controversy.

Mr. Holder's record demonstrates a willingness to bend the law in order to protect his political patrons. On his watch at the Clinton Justice Department, the pardon process was upended and corrupted by a "pay to play" mentality. This undermined, in the least, the appearance of the fair administration of justice by the Justice Department.

Given this record, we do not believe that Mr. Holder has the independence to ethically manage the federal criminal investigations in Illinois that involve President-elect Obama and members of his incoming administration. Nor has

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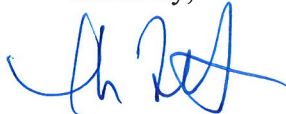
Mr. Holder demonstrated that he can trustworthily manage various open investigations concerning members of his own party in Congress.

Mr. Holder is the wrong person to head the Department of Justice.

We stand willing to testify to the Committee about these and any other issues that you would like to explore.

Thank you.

Sincerely,



Thomas Fitton
President

By: Facsimile and Mail

Copies to: Committee Members by Facsimile

Sen. Edward M. Kennedy
Sen. Joseph R. Biden, Jr.
Sen. Orrin G. Hatch
Sen. Herbert H. Kohl
Sen. Charles E. Grassley
Sen. Dianne Feinstein
Sen. Jon L. Kyl
Sen. Russ Feingold
Sen. Jeff Sessions
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