

Ten Reasons to Impeach Eric Holder

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Americans have come to view Attorney General Eric Holder Jr. as a symbol of the radicalism and dishonesty of the Obama administration. No wonder: Holder's policies have endangered the security of the nation and undermined the integrity of our elections. He has overseen a deliberate attack on the Second Amendment and has provided Congress with dishonest testimony about it. He has fostered racial division. The damage he has done is profound and all the more dangerous for being virtually ignored by the mainstream media.

Simply put, Eric Holder is a threat to American liberty and security. He has qualified himself to join Harry M. Daugherty and John Mitchell as the most disgraceful of attorneys general. But even Daugherty's Teapot Dome mischief and Mitchell's stonewalling defense of a felonious president cannot match the injury to the rule of law and American national security that Eric Holder has caused in his

brief three years in office. The havoc he has created goes far beyond corruption on any single issue. The damage he has done crosses all components of the Department of Justice, and has trickled down to infect the systems of law and legal jurisprudence throughout the country.

Some have blamed Holder's nightmare record as attorney general on gross incompetence. Charles Krauthammer, for example, called him one of the "most incompetent attorneys general in U.S. history." In fact, however, Holder has known exactly what he wanted to do and has done it. It is his radicalism, not his ineptitude, that has determined his decisions at the Justice Department.

An early warning of Holder's social radicalism could be seen in a 1995 speech, preserved on C-SPAN, where he advocated "brainwashing" (his word) Americans to make them oppose possession of guns. Evidence of his racial radicalism is a clipping that he claims to have been carrying around in his wallet for decades, containing a quote from Reverend Samuel Proctor: "No matter how affluent, educated and mobile [a black person] becomes, his race defines him more particularly than anything else. Black people have a common cause that re-

quires attending to.” Holder once explained why these words were so dear to him: “It really says that ... I am not the tall U.S. attorney, I am not the thin United States attorney. I am the black United States attorney. And he [Proctor] was saying that no matter how successful you are, there’s a common cause that bonds the black United States attorney with the black criminal or the black doctor with the black homeless person.” Holder did not indicate whether or when this common cause should trump a commitment to colorblind justice, but his actions have supplied the answer.

While other agencies, such as the EPA or the Department of Labor, may flex enormous power, it is ultimately the Justice Department that sets legal policy and decides what other agencies may do or not do. As attorney general, Holder has been the battering ram for the “fundamental transformation of America” that Barack Obama has been promising since he was inaugurated. Holder’s radicalism and particularly the radicalism of his political appointees and career civil service attorney hires have been the agents of change in the Obama administration. And as other aspects of the president’s agenda have become mired in “politics as usual,” the Justice Department has continued, day by day and case by

case, to pursue Holder's mission to make this country into a different place.

The media may have ignored this story, but those who see the radicalization of Justice up close have expressed deep concern. Even moderate, usually reserved members of Congress have threatened Holder with impeachment. Representative James Sensenbrenner, for instance, hardly a bomb thrower, told *The Hill* that Holder's impeachment might be the only recourse in the face of stubborn stonewalling of congressional inquiries. And silent contempt of Congress is the least of the attorney general's sins.

Impeachment isn't something to be lightly pursued. It is a congressional power best left to gather dust, except when there is evidence of extreme lawlessness and dishonesty that endanger the Constitution. But Eric Holder has done more than mislead the American people; he has done more than provide false testimony to Congress. He has tried to transform the federal agency intended to be above politics into an institution advocating radical change and extreme remedies. Here are Ten Reasons Why Eric Holder Should Be Impeached.

Reason One: Eric Holder Provided False Testimony under Oath to Congress

The primary reason that Eric Holder should be impeached is that he has been untruthful under oath many times before multiple committees of Congress.

Consider his testimony regarding the “Fast and Furious” probe, in which federal agents were allegedly ordered by superiors in the Justice Department to allow hundreds of weapons to flow illicitly into Mexico from gun shops in Arizona so the arms could be traced to the higher echelons of Mexican drug cartels. On May 3, 2011, when Holder first testified before the House Judiciary Committee about Fast and Furious, he was asked what he knew about the program and when he first knew it. Holder’s response? “I’m not sure of the exact date, but I probably heard about Fast and Furious for the first time over the last few weeks.” Internal DOJ documents suggest, however, that Holder was familiar with Fast and Furious many *months* earlier.

The “Weekly Report to the Attorney General” dated July 5–9, 2010 discusses details of Fast and Furious. In DOJ nomenclature, a weekly report is

a standardized and recurring briefing of all major developments subject to the review or oversight of superiors. The July 5 report discussed Fast and Furious by name, stating: “Operation Fast and Furious. This investigation ... involves a Phoenix-based firearms trafficking ring headed by Manual Celis-Acosta. Acosta and straw purchasers are responsible for the purchase of 1,500 firearms that were then supplied to Mexican Drug Traffickers.”

Holder’s excuse for his testimony that he learned about Fast and Furious just before May 2011 was that he never really read the July 2010 report. That assertion strains credibility. He himself might not have read every sentence of the weekly report, but his deputy attorney general, Gary Grindler, received detailed briefings on Fast and Furious in early 2010, and it is simply not plausible that he did not mention the program to Holder himself. (Grindler was promoted to Holder’s chief of staff in January 2011.)

But Holder’s untruthful testimony under oath goes beyond the Fast and Furious program. On March 1, 2011, Holder contradicted the testimony of multiple DOJ attorneys when he told the House Judiciary Committee that his notorious dismissal of the voter intimidation case involving members of

the New Black Panther Party—who had brandished weapons at a Philadelphia precinct in 2008—had nothing to do with the race of the defendants. “We have simply tried to follow the law, apply the law in a race-neutral way and any assertions to the contrary are simply not consistent with the facts,” Holder said. This was patently false. The way internal policies of the Civil Rights Division had developed under Holder made it certain that the law would not be enforced in a race-neutral fashion on his watch. A report about the dismissal of claims against the New Black Panthers, issued by Holder’s own Office of Professional Responsibility, included interviews with DOJ attorneys who affirmed that a widespread belief in Holder’s DOJ was that civil rights laws should not be used against black defendants.

Later in 2011, on December 8, Holder was confronted about the political and ideological litmus tests for civil service attorney job at the Justice Department. (See Reason Six, below.) Appearing before Congress, Holder denied under oath that any such litmus test exists, in direct conflict with the overwhelming amount of evidence to the contrary. Holder’s DOJ has consistently provided false information to Congress, sometimes in writing. On February 4, 2011, Assistant Attorney General Ron-

ald Weich, a presidential appointee working under Holder, sent a letter to Congress that broadly denied the existence of Fast and Furious. (The allegation, he stated, that the DOJ “knowingly allowed the sale of assault weapons to a straw purchaser who then transported them into Mexico is false.”)

The letter was so brazenly untruthful that the DOJ withdrew it on December 4, 2011. Weich still works for Eric Holder. In fact, it was Weich who on March 24, 2012 decided that the Justice Department would no longer comply with subpoenas from Representative Darrell Issa’s investigative committee about Fast and Furious.

Reason Two: Fast and Furious

Beyond not telling the truth about the details of Fast and Furious in congressional testimony, Holder played a role in overseeing a program that itself is a cause for impeachment. Whistleblowers have said that Fast and Furious allowed guns to be purchased in the United States by straw buyers and then “walked” across the Mexican border without any means of tracing the weapons. Some of these guns made their way back to the United States and were found at the scene of the murder of Brian Ter-

ry, a U.S. Border Patrol agent, on January 21, 2011. Many others were used in the killing of Mexican nationals.

Throughout 2009, the *Washington Post* and the *New York Times* and numerous other papers featured stories about the unchecked flow of American guns smuggled into Mexico that had led to the murders of hundreds of Mexicans. The stories always had sourcing from the DOJ and the ATF, which was significant because it meant that the very agencies managing Fast and Furious were simultaneously using information fed to friendly reporters about the flood of guns into Mexico to advocate for new federal restrictions on firearms. (Remember Holder's 1995 speech, when he said that an aggressive media and public relations campaign would be necessary to brainwash citizens into finding gun possession distasteful.) Another way of putting it is that the architects of the mayhem of Fast and Furious were also using the mayhem in their efforts to undermine the Second Amendment.

An attorney general who oversees a program designed to undermine the Constitution and then lies about it to the American public should be impeached.

Reason Three: Dismissal of the New Black Panther Voter Intimidation Case

On the day that President Obama was elected in 2008, armed New Black Panthers stationed themselves outside a polling place in Philadelphia, shouting racial slurs and attempting to block legal access to the polls.

The New Black Panthers are not the same as the old Black Panther Party of Huey Newton's day. The modern Panthers are worse: virulently anti-Semitic, rabidly anti-white and quasi-Islamist in worldview. Unfortunately, they attract large crowds and enjoy growing support among many otherwise credible segments of the black community.

Even though the Black Panther defendants in the voter intimidation lawsuit never responded to the complaint that I and several of my fellow attorneys at the DOJ filed after Election Day 2008, the new Obama political appointees ordered us to dismiss the case in May 2009. (One of the defendants was slapped on the wrist with an order that prohibited him from carrying a weapon at a poll, only through 2013.)

Eric Holder could have prevented this brazen case of voter intimidation from being swept under the rug. Prior to the dismissal of the case, Holder discussed it with Loretta King, the head of the Civil Rights Division (and my boss at the time). King urged that the case be dismissed. Holder could have ordered her to obtain a default judgment against the nonresponsive Panthers, but instead he merely warned her that dismissal of the case might generate bad press.

An attorney general who fails to ensure that the laws are faithfully executed, particularly those that are part of the Voting Rights Act, has failed to fulfill his oath of office. Worse still, in this instance, Holder was not truthful to the public or to Congress about the dismissal of the Black Panther case. He stated under oath in congressional testimony that career civil servants recommended dismissal of the matter, when in fact the highest political appointees were involved in the dismissal. Even Loretta King was serving as a political appointee when the dismissal occurred. Holder also claimed under oath that the facts and law did not support the case, which was plainly false.

Reason Four: Corrupted Voter Rolls

Holder's corruption of the American electoral system goes well beyond one precinct in Philadelphia and the racial intimidation he allowed a pair of armed Black Panthers to engage in. This corruption extends to the very concept of clean elections. Another reason to impeach Eric Holder is that during his time as attorney general, the Justice Department has provided cover for an attack on the basic integrity of our voting rolls.

Some background: the so-called Motor Voter law passed in 1993 was designed to make it easier to register to vote. When someone goes into a state motor vehicle department, he or she is asked if they want to register. (The same question is asked in welfare agencies, food stamp offices, and even methadone clinics under an addition to the law championed, incidentally, by the infamous Sixties radical academic Frances Fox Piven.) Another part of Motor Voter, however, required states to keep their voter rolls free of dead and ineligible voters

During the Bush administration, both provisions of the law—the voter registration requirement and the voter roll cleanup provisions—were enforced by

the Justice Department. But once Eric Holder became attorney general, that changed.

In 2009, the employees of the Voting Section (including me) were assembled in a conference room and informed by the political appointees overseeing our work that the Justice Department would no longer be enforcing the voter roll cleanup provisions. This was surprising news, because the chief of the Voting Section, Christopher Coates, had just recommended opening up eight investigations into states that had more people on the voter rolls than people actually alive. The Holder Justice Department spiked those investigations, and the matter has remained in a black hole since then.

Today, over two hundred counties in America have more people on the voter rolls than people age eighteen or older who are alive. Nothing could more deeply corrupt our electoral process than allowing voter rolls to be filled with ineligible dead voters, felons, fictitiously named voters, and people who now live in other states; it's an invitation to those with an agenda to vote in the names of other people, or pay or coerce others to do so. A bizarre illustration occurred in early April 2012 when a young white man, looking to show the ease with which

voter fraud can be committed, walked into Holder’s own Washington D.C. precinct, asked if they “had an Eric Holder,” and was offered a ballot to vote. The young man suggested that perhaps he should be required to show identification before voting as Holder. The poll worker, in compliance with D.C. law, replied, “You don’t need it. It’s all right. As long as you’re in here, you’re on our list, and that’s who you say you are, you’re okay.”

Eric Holder tours the country giving speeches in which he claims that he has “reinvigorated and restored” the Civil Rights Division. As evidence to substantiate this claim, he points to enforcing provisions of Motor Voter demanding that registration must be possible at welfare agencies. But Holder’s Justice Department simultaneously refuses to enforce the integrity provisions of Motor Voter because—according to one political official—cleaning the rolls would have “nothing to do with increasing minority turnout.”

Voter rolls are allowed to be polluted by DOJ inaction, while DOJ action fills the rolls with welfare agency registrations. Rolls corrupted by the presence of felons and dead voters tend to benefit only one political party. Under Holder, the Justice Department walks a one-way political street.

Eric Holder has made it plain that the DOJ Voting Section’s agenda—to block voter ID requirements, to flood the rolls with welfare agency registrations, and to aggressively enforce the Voting Rights Act against state measures to promote election integrity—is also his agenda. Soon after taking office, Holder blocked Georgia from ensuring that only citizens could register to vote. He then blocked the small town of Kinston, North Carolina, from holding nonpartisan elections for town council, because “without Democrat listed next to their name on the ballot, blacks wouldn’t know for whom to vote.” Holder is blocking voter ID laws in Texas and South Carolina, and threatening other states with action against election integrity measures. These acts are his top priority at Justice, where he has allowed a biased lawlessness to flourish and threaten the integrity of the presidential election, and also make it more likely that his friend Barack Obama will be reelected.

Reason Five: Eric Holder and the “al-Qaeda Bar”

Eric Holder has staffed the Justice Department from top to bottom with lawyers who are said to be

members of the “al-Qaeda bar.” This is the name that some Justice employees have given to the leftist activist attorneys who went out of their way to help Islamic terrorists especially during the Bush administration. Of course, in the United States everyone is entitled to counsel and we have a noble tradition of defending the seemingly indefensible. But in an earlier generation, representing the enemies of the United States in private practice would have *disqualified* an attorney from ever getting a job at the Justice Department. Under Eric Holder, however, attorneys who previously represented terrorists have been placed in positions where they oversee terrorist detainee policy and national security issues.

In February 2012, for instance, a man named Tony West was promoted to the number-three job at the Justice Department, associate attorney general, a position which, among other things, has authority over policies at the Guantanamo Bay detention camp. Before coming to the Justice Department, West represented John Walker Lindh, the “American Taliban.” But West not only represented Lindh in his criminal trial, he continued to shill for him to the public long after the trial was over and he had been sentenced. Months after the case was concluded, West said of Lindh to the *Washington*

Post, “He’s so intellectually-driven, and he has a wide variety of interests—from English literature to World History to Islamic studies. I truly believe John will have a lot to offer after his incarceration.” These warm remarks about someone who wanted to kill U.S. soldiers represent a worldview incompatible with overseeing detainee policy for the United States government.

Tony West isn’t the only member of the al-Qaeda bar hired by Eric Holder, either. Consider the example of Daniel Freeman, who was hired as a frontline attorney in the Voting Section, where I used to work. This former clerk on the Ninth Circuit Court of Appeals was named the pro bono attorney of the year by the American-Arab Anti-Discrimination Committee and was a Liman Fellow at the New York Civil Liberties Union, where he zealously attacked the FBI’s counterintelligence operations.

Consider too Raheemah Abdulaleem, who, before coming to Justice, represented terrorists detained at Guantanamo Bay on a pro bono basis and served on the board of directors for an organization called “Karamah—Muslim Women Lawyers for Human Rights.” Abdulaleem brought an agenda with her to the DOJ. For example, she is one of the

attorneys responsible for bringing an employment discrimination claim against the Berkeley School District in Illinois on behalf of a Muslim teacher who was denied his request for nineteen days off to take a hajj to Mecca in the middle of final exams. No court had ever required a religious accommodation of this length, especially during such a critical period of the employee's duties. One writer characterized the lawsuit as a "sop to the Muslim groups that the Obama administration has actively courted."

Holder even hired Anika Gzifa, an attorney who did work for Omar Khadr, a terrorist who murdered the Delta Force medic Christopher Speer in 2002. Gzifa had claimed that Khadr was nothing more than a poor Afghan citizen, and before coming to the DOJ had sent a letter to President Obama protesting that Khadr was innocent. Khadr later pleaded guilty to murdering Speer.

Freeman, Gzifa and Abdulaleem are just the tip of the iceberg. There are scores of others allowed to use previous volunteer work for America's terrorist enemies as an important qualification in their application for jobs at Eric Holder's Justice Department.

Reason Six: Radicalization of Career DOJ Attorney Ranks

The backdrop to the hiring of these members of the al-Qaeda bar is Holder's more general campaign to fill the attorney career ranks at the Justice Department with committed leftist radicals, in violation of civil service laws.

I reviewed the résumés of 113 lawyers hired into the DOJ Civil Rights Division from the inauguration of Barack Obama through June 2011. The results were astonishing. Every lawyer hired during this time was either an obvious and committed leftist or a Democratic Party operative. During the Bush administration, Attorney General Alberto Gonzalez was criticized unfairly for hiring a handful of conservative lawyers. (In fact, the vast majority of civil service attorney hires during the Bush years were either apolitical or actually leftists.) But once Holder was confirmed, he immediately began a concerted and successful effort to do what the Bush administration had been falsely accused of doing: illegally hiring on the basis of political ideology.

Instead of admitting to Congress and the public that the DOJ was hiring leftists with an antagonistic

view toward American social institutions, Holder has of course insisted in testimony before Congress that only the “most qualified” were being given jobs, and these only on the recommendation of career hiring committees. What he failed to tell the public was that these “career hiring committees” are themselves filled with leftists who were interested in spreading their ideology like a computer virus.

Holder also concealed from Congress and the public the fact that the DOJ political appointees—such as Loretta King, the infamous assistant attorney general who made the decision to drop the Black Panther case—were in fact vetoing attorney applicants who evidenced any conservative or even middle-of-the road leanings. King and Holder accomplished the veto by adding a hiring criterion of “civil rights experience,” which one Justice Department employee defined as code for “civil rights experience with a fringe leftist organization.”

The results of this illegal effort are staggering. Of the 113 résumés I reviewed, most of them came from individuals who were, if anything, more radical in their views than Holder himself. Many had worked for the network of nonprofits funded by George Soros. Others worked for radical political

organizations whose names themselves give a flavor of where Holder recruits attorneys for lifetime civil service in the Justice Department: the Junta for Progressive Action, the Intersex Society of North America, the Queer Resistance Front, the Public Justice Center, the Students of Color Coalition, the Black Organization of Soul Sisters, Human Rights First (Gitmo detainee advocates), the Center for Institutional and Social Change, the Poverty and Race Research Action Council, the Workers' Center for Racial Justice / People's Organizing Committee, the Feminist Majority Foundation, and the Palestine Solidarity Committee. Such training grounds yield a predictable and perdurable bias. They also yield individuals who are as committed to radically transforming America as the president and his attorney general are.

Reason Seven: Open-Borders Radicalism

Eric Holder has deliberately leveraged the power of the Justice Department to prevent states from dealing with the flood of illegal immigration threatening to overwhelm them. Whenever a state such as Arizona, Alabama or South Carolina has passed a law to try to deal with illegal immigration, Holder has immediately moved against it.

The case of Arizona is illustrative. Its legislature, looking for relief from the tidal wave of illegal immigrants, passed a law, SB 1070, that required local police to inquire into immigration status while making an arrest for a separate crime. The law had the desired effect of both facilitating deportation of illegals and discouraging more from coming into Arizona.

SB 1070 drew immediate condemnation from Holder. Demonstrating that he is an ill-prepared attorney general as well as a dishonest one, he went on NBC's *Meet the Press* and said, "I think it has the possibility of leading to racial profiling and putting a wedge between law enforcement and a community that would, in fact, be profiled." Later that week, Holder confessed to the House Judiciary Committee that he had never actually read the law he was denouncing.

Every component of the DOJ was put on red alert to leverage all available federal power against Arizona. The Voting Section flooded the state with election observers during the November 2010 elections. The DOJ quickly filed a lawsuit against Maricopa Community College, alleging that the school required noncitizen job applicants to present docu-

mentation to establish their eligibility to work in the United States. Holder intensified the DOJ investigation of Joe Arpaio, the sheriff of Maricopa County and a strong advocate of the legislation, making several ultimatums demanding Maricopa jail records. The DOJ also announced that Arpaio was being investigated for adopting English-only policies inside the jails.

Holder's abuse of federal power to punish Arizona and protect the flow of illegal aliens was mirrored in similar efforts against Alabama and South Carolina, two other states that passed laws like Arizona's. (The DOJ also took aim at South Carolina's efforts to enact a strong voter ID law.) The message is clear: the attorney general is not willing to protect the borders of the United States, but he is willing to protect illegal aliens from efforts by citizens to insist on coherent and effective immigration policies. Reason Eight: Battlefield Miranda Warnings and Detainee Policy

Never in its prior wars has America regarded captured enemy soldiers as "lawbreakers" entitled to due process and subject to the criminal justice system. All of that changed when Eric Holder implemented a policy in 2009 requiring enemy fighters

captured in Afghanistan to be given Miranda warnings by FBI field agents.

When Senator Lindsey Graham asked Holder in a November 2009 hearing if Osama bin Laden would have received a Miranda warning if he were captured, Holder's response was astonishing: "If you're going to prosecute anybody in civilian court, our law is clear that the moment custodial interrogation occurs ... the criminal defendant is entitled to a lawyer and to be informed of their right to remain silent."

Holder's Justice Department has given evidence for years of an intention to push Islamic terrorist detainees into the civil courts. While the policy has turned out to be politically problematic—the American people have rebelled against its sinister illogic—the fact that Holder has tried to transfer the trials of such individuals out of military jurisdiction indicates the extent he is willing to go to achieve an ideologically driven outcome that endangers American security.

Another obvious example of Holder's radical detainee policy was his outrageous decision to try Khalid Sheikh Mohammed, mastermind of the

World Trade Center attack, and four additional 9/11 plotters in a Manhattan civilian court. Initially given discretion on where to try the conspirators, Holder chose a venue the most favorable to them. The outcry against this decision was so overwhelming that Congress acted in a swift bipartisan way to block Holder. Eventually, he was forced to yield, and set the defendants for a military trial at GITMO, but he did so reluctantly. Holder insisted that civilian courts were the best forum, and angrily blamed Congress for denying him, and the terrorists, that venue.

Reason Nine: Holder's Attack on Religious Liberty

The Free Exercise clause of the Constitution allows Americans to freely practice their faith without interference from the government. But as attorney general, Holder has overseen a dramatic and deliberate attack on this constitutional right, while also focusing hostility on religious liberty generally.

Under Holder, the Justice Department has collided with religion by aggressively defending Obamacare and its requirement that religious institutions adopt policies that violate key tenets of their faith. The DOJ has led the charge against Catholic

hospitals that will be required to provide pregnancy-terminating drugs even though Catholic doctrine condemns their use. Under the DOJ's control, other Catholic organizations, such as schools or Catholic Charities, would be required to provide other services directly prohibited by Catholic teaching.

Nowhere is Eric Holder's hostility toward religious freedom more obvious than in the case of *Hosanna-Tabor Evangelical Lutheran Church and School v. U.S. Equal Employment Opportunity Commission*. In this case, Holder's DOJ argued that a church cannot fire an employee for acting contrary to church teaching and to an employment contract that acknowledges the central importance of that teaching to job duties.

A teacher filed a complaint to the Equal Employment Opportunity Commission about how the school handled her medical claims of narcolepsy. The church school then fired the teacher because it forbids lawsuits among believers based on 1 Corinthians 6:1–8. (“But instead, one brother takes another to court—and this in front of unbelievers!”) Before undertaking this action, however, the church had tried to negotiate the issue through dispute resolution mechanisms within the church.

Pursuing the church, Holder’s Justice Department presented a radical argument to the Supreme Court: that the exception that churches enjoy under the First Amendment to manage their own ministry (the so-called “ministerial exemption”) should be abolished. It is a position that, had it been upheld, would have opened the door to comprehensive government regulation of how American religious organizations conduct their ministries, and even who could be a minister.

Holder’s position was so radical that the Supreme Court disagreed with him in 9-0 decision in January 2012. It was an indication of how far left Holder had steered the Justice Department that even the left wing of the Court—Breyer, Ginsburg, and Sotomayor, along with Kagan—rejected his arguments.

The radical policies advocated by the DOJ in the *Hosanna-Tabor* case come as no surprise given the fact that so many of the radical attorneys hired by Holder come from backgrounds openly hostile to religious faith. One person who worked on the *Hosanna-Tabor* case was Aaron Schuham, hired by Holder from Americans United for Separation of Church and State (AUSCS), founded as a rabidly

anti-Catholic organization in 1947. One of America's most radical atheist and antireligious organizations, AUSCS has gone so far as to oppose allowing state troopers to erect highway crosses to memorialize fellow officers killed in the line of duty.

Reason Ten: Ignoring Supreme Court Precedent and the Constitution

The final reason to impeach Eric Holder is that his Justice Department is very deliberately ignoring Supreme Court precedent. Consider the 2009 decision by the Supreme Court in *Ricci v. DeStefano*, where white and Hispanic firefighters who had passed an exam in New Haven, Connecticut, sued after being denied promotions because of the city's race-based preferences. The Holder Justice Department, as might be expected, took a contrary position and submitted a brief defending the city's actions. In rejecting the city's program, the Court made plain that it violated Title VII of the Civil Rights Act.

Even though the Supreme Court in *Ricci* devastated the idea of preferences, the Holder DOJ reacted defiantly by announcing it would continue aggressively bringing disparate impact cases (in which employment practices that affected minori-

ties adversely could be considered discriminatory even when unintentionally so). Shortly after *Ricci* was decided, Holder sued the State of New Jersey over a test for police officer promotion that blacks passed 73 percent of the time and whites passed 89 percent of the time. In Dayton, Ohio, Holder took an even more radical position, demanding that the city hire black applicants who actually *failed* the test for police officers. (Dayton had been hiring applicants who received a “D” score on the entrance test, but that wasn’t good enough for Holder.) Because of Eric Holder, police and fire departments are forced to choose between hiring people who fail entrance exams, or facing Justice Department lawsuits.

Conclusion

Holder’s time as attorney general has seen the corrosion of law in ways more damaging than even during the most disastrous moments in his predecessors’ tenure. Holder has most likely broken the law himself in failing to provide truthful information to the United States Congress while under oath. His Department of Justice has implemented a program to allow firearms to flood illegally into Mexico and back across our border again, resulting in the murder of hundreds of people. He has endangered the

integrity of American elections by failing to enjoin armed New Black Panthers for voter intimidation and has failed to take action against states that tolerate hundreds of thousands of improper voter registrations. He has made the Department of Justice friendly toward America's enemies in the war on terror by hiring lawyers who once worked for terrorists and putting these lawyers in charge of overseeing terrorist policies, even though he knows that the opinions of these lawyers are binding on every branch of the government, including the armed forces. Holder has attacked the security of the nation by using the power of the federal government to promote open borders. Even though he took an oath to defend the U.S. Constitution, his DOJ has attacked the free exercise of religion in the First Amendment and disregarded other Supreme Court precedent.

Eric Holder's regime at the Department of Justice has caused significant damage to the rule of law and the security of the United States. Unfortunately, the more radical and unpopular his actions, the more President Obama seems to support Holder. But while the attorney general may have friends in high places, his offenses are grave. The Constitution provides remedies for abuses such as the ten enumerated above. The House of Representatives should begin drafting articles of impeachment against Eric

Holder immediately.

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