

Eric Holder:



The Right Person To Serve As Attorney General

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- Republican Objections To Proceeding With Confirmation Hearings Are Unfounded
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- As President Elect Barack Obama said at the announcement of Holder's selection: "Eric Holder has the talent and commitment to succeed as Attorney General from his first day on the job . . . I have every expectation that Eric will protect our people, uphold the public trust, and adhere to our Constitution."
- Holder began work at the Department of Justice as a prosecutor right after law school and served there for ten years, prosecuting corrupt public officials.
- In 1988, Holder was nominated by Ronald Reagan and confirmed by the Senate to become a Superior Court judge in Washington, D.C.
- After his service on the bench, he was nominated to serve as United States Attorney for the District of Columbia by Bill Clinton, and served for four years.
- He served as Deputy Attorney General in the Clinton Administration until the beginning of 2001, and has been a partner at the law firm of Covington and Burling since then.
- Eric Holder has shown independence –
 - Despite enormous pressure from Democrats, as Deputy Attorney General he advised Attorney General Janet Reno to expand Kenneth Starr's investigation into the Monica Lewinsky affair.
 - Holder also recommended that Reno appoint a special prosecutor to investigate Interior Secretary Bruce Babbitt, a member of Clinton's cabinet.
 - As U.S. Attorney for the District of Columbia, Holder prosecuted Democratic Congressman Dan Rostenkowski, the chairman of the Ways and Means Committee and one of the most powerful Democrats in the country.
- Eric Holder knows that the Department of Justice has been politicized over the last eight years, with officials making decisions based on what would be best for the President, not based on the Constitution and the laws of the land. From his years as a prosecutor of public corruption, he has learned the importance of separating politics from law, and will restore the Department's reputation for independence and integrity.

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Republican objections to proceeding with confirmation hearings for Eric Holder are unfounded. In fact, in the last 30 years, confirmation hearings for Attorneys General have occurred on average less than 30 days after a nominee is designated.

- Dating back to President Carter's nomination of Griffin Bell to be Attorney General, the average time between the announcement of nominations to be Attorney General and the start of confirmation hearings has been 29 days, and only 26 days for nominations of incoming Presidents where the party controlling the Presidency had switched.
- The Judiciary Committee has customarily held hearings on a new President's pick before the inauguration. That was true of Attorney General Griffin Bell, Attorney General William French Smith, Attorney General Ashcroft and should hold true for the next Attorney General.
- Confirmation proceedings for Eric Holder have been noticed for 39 days after his designation was officially announced, and 52 days after his likely designation first became public.
- When Michael Mukasey was designated to be Alberto Gonzales' successor in 2007, Republican members of the Senate Judiciary Committee urged the Committee and the Senate to move quickly to consider his nomination. Despite Mukasey's career spanning more than 40 years, Chairman Leahy scheduled his confirmation hearing just 30 days after the nomination was announced.
- After the contentious 2000 presidential election, Chairman Leahy proceeded promptly to hold the hearing on the designation by President-elect Bush of John Ashcroft to be Attorney General. Ashcroft's designation was not formally announced until December 22, yet his hearing was held just 25 days later. President-elect Obama should not be penalized for proceeding promptly with transition and designating his Attorney General selection three weeks before President Bush had.
- President Clinton's Attorney General nominee, Janet Reno, had a hearing just 26 days after she was announced.
- In 1981, Chairman Thurmond proceeded on the designation of William French Smith to be Attorney General at the beginning of the Reagan administration. The Committee completed its consideration of Smith's nomination with a vote on January 16, 1981, even though he was designated only on December 11, 1980. Eric Holder's designation has been known officially for 10 days, and unofficially for more than three weeks. The Judiciary Committee would have to vote on January 6, the first day of the new Congress, to approximate that timeline.
- Dick Thornburgh, another Reagan pick for Attorney General, was given a hearing just 24 days after his designation was announced. He remained in office when Vice President George H.W. Bush was elected President. When he left the post toward the end of that administration, the Judiciary Committee proceeded to hold a hearing for the nomination of Bill Barr, whose hearing was held just 25 days after he was announced.
- President Carter's first Attorney General, Griffin Bell, was not designated until December 18, 1976, yet his hearing and Committee consideration were completed by January 19, 1977. Approximating that timeline would have the Committee voting on Eric Holder's nomination before the new Congress comes into session.

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Republicans Did Not Object To Moving Forward On President Bush's Nominee To Be Attorney General

President Bush designated Michael Mukasey to be Attorney General of the United States on September 17, 2007.

*Republican Senators, reacting to the news, urged **speed** and **avoiding politically driven delays** in scheduling confirmation hearings due to the need for leadership at the Department and the historical precedent for moving quickly.*

Hearings on Mukasey's nomination began 30 days after the announcement, on October 17, 2007.

- "It is my hope that the Judiciary Committee and the Senate will move promptly on the confirmation proceedings as to Judge Michael Mukasey... We need some time to study the man's record before you go to hearings. But we also need to move with deliberate speed." *Ranking Member Arlen Specter (R-Pa.), press release, September 17, 2007*
- "The Senate should focus on Judge Mukasey's qualifications, his almost 40 years of service in America's legal system, through a process that respects the separation of powers. I know some in this body want to use nominations to fight unrelated policy or political battles. Those fights are for the legislative process or the oversight process, but not the confirmation process." Hatch hopes that Mukasey will receive a fair, efficient confirmation process, free from partisan demagoguery. In Hatch's tenure, the Senate has confirmed nine Attorneys General, with an average review time between nomination and confirmation of three weeks. Hatch hopes that, given how well established Mukasey's reputation is, the Senate will live up to this standard. *Senator Orrin Hatch (R-Utah), press release, September 17, 2007*
- "Judge Mukasey has presided over some of the most complex cases in the United States, including several important terrorism cases, and has earned a reputation for being a skilled, fair and open-minded jurist. I expect Senate Democrats to move his nomination forward as quickly as possible. With the top job at the Justice Department sitting empty, now is not the time to play politics and delay the confirmation process. I look forward to learning more about Judge Mukasey and his views." *Senator Charles Grassley (R-Iowa), press release, September 17, 2007*
- "Since the Carter administration, attorney general nominees have been confirmed, on average, in approximately three weeks, with some being confirmed even more quickly. The Senate should immediately move to consider Judge Mukasey's nomination and ensure he is confirmed before Congress recesses for Columbus Day." *Senator Jon Kyl (R-Ariz.), press release, September 17, 2007*
- "The Department of Justice is a critically important part of our government. Judge Mukasey's challenge will be to act as an effective leader of the department, immediately addressing existing issues and problems in such a way that earns the public's trust and restores credibility in the organization. It is vital that the Senate move expeditiously with the confirmation process." *Senator Jeff Sessions (R-Ala.), press release, September 18, 2007*
- "In recent months, my Democratic colleagues have loudly voiced their belief that partisan politics has no place at the Department of Justice. With today's nomination and forthcoming confirmation process of Judge Mukasey, they will have an opportunity to demonstrate that... I am examining Judge Mukasey's record and will continue to do so in the days ahead. But early indications are that he is a respected, experienced jurist who has a strong reputation for honesty and integrity. He deserves a fair and prompt hearing by the Senate." *Senator John Cornyn (R-Texas), press release, September 17, 2007*
- "The Senate needs to promptly and fairly consider his qualifications and vote in a timely fashion." *Senate Minority Leader Mitch McConnell (R-Ky.), Human Events, September 17, 2007*

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Republicans Praised Holder Pick, But Now Want To Delay Process

When press reports indicated that Eric Holder would be President-elect Obama's pick to lead the Justice Department, Republican members of the Senate Judiciary Committee lauded Holder's credentials, and indicated they would not hold up the nomination. It was only after Chairman Leahy noticed a confirmation hearing for more than a month after the designation was announced that Republican members began to seek delay the confirmation process.

Ranking Member Arlen Specter (R-Pa.), *MSNBC*, November 19, 2008 -- In reference to Holder's nomination, "Would I hold it up? No. I would be prepared to move ahead very promptly with hearings, move into the substance of the matter, ask the important questions, look for any documents that might be relevant. And as fast as we can move through, I'm prepared to decide it one way or another. I wouldn't hold it up."

Ranking Member Arlen Specter (R-Pa.), *Congressional Record*, December 10, 2008 -- "With respect to Attorney General designate Holder, there is no doubt he comes to this nomination with an outstanding record for the most part...He has an excellent educational background from Columbia: undergrad and law degree, a trial attorney in the Department of Justice, an associate judge of the Superior Court of the District of Columbia, U.S. Attorney, Deputy Attorney General, Acting Attorney General – a very distinguished resume...When hearings were held for Attorney General Ashcroft, they were held from January 16 to January 19 of 2001...it seems to me not realistic or fair to begin hearings before January 26."

Senator Orrin Hatch (R-Utah), *National Public Radio*, November 19, 2008 -- "My experience with Eric Holder is one of respect and decency. I like Eric Holder."

Senator Charles Grassley (R-Iowa), *The Hawk Eye*, Burlington, Iowa, November 22, 2008 -- "I'm going to be generally speaking, as I am with Republican or Democrat presidents, that they get elected, they have some right to have who they want in those offices."

Senator Charles Grassley (R-Iowa), *grassley.senate.gov*, December 10, 2008 -- "And I think that that nomination may be approved, for all I know. I don't know how I'll vote on it at this point. But I think it's going to take a long time to get him through the hearings. Where, I think, a lot of other people get through the hearings very quickly."

Senator Charles Grassley (R-Iowa), *press release*, December 11, 2008 -- "If there was ever a time for continuity and non-partisanship, it is now."

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Senator Jon Kyl (R-Ariz.), *Roll Call*, November 21, 2008 -- "There will be no effort on our part to slow stuff down."

Senator Jon Kyl (R-Ariz.), *Congressional Record*, December 11, 2008 -- "I don't know whether this controversy is sufficient to suggest that he should not be confirmed, but that is what the investigation and hearings, of course, are all about. We are familiar with what these items are." -- *Senate Floor, December 11, 2008*

Senator Jeff Sessions (R-Ala.), *Birmingham News*, November 20, 2008 -- "I think he has the potential to get Republican support."

Senator Jeff Sessions (R-Ala.), *Congressional Record*, December 11, 2008 -- "Let me say that commentators and newspapers across the spectrum have raised questions about the nominee. The Senate has been called up to do its job and ask the kinds of questions that need to be asked and clear the air on some of these allegations. And I hope Mr. Holder is able to do so."

Senator John Cornyn (R-Texas), *National Public Radio*, November 19, 2008 -- "My impression of him is actually pretty good."

Senator John Cornyn (R-Texas), *The Hill*, December 1, 2008 -- "As a member of the Judiciary Committee, I'll have the opportunity to get into some detail and ask him questions, and I look forward to the confirmation process."

Senator Tom Coburn (R-Okla.), *Congressional Quarterly*, November 19, 2008 -- "I think it's a good choice."

Senator Tom Coburn (R-Okla.), *Congressional Record*, December 11, 2008 -- "The fact is this gentleman deserves the best, the most thorough, opportunity to explain himself in a way where people are asking proper questions, not improper questions."



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Attorney General Confirmation Timing Chart

- Dating back to President Carter’s nomination of Griffin Bell to be Attorney General, the average time between the announcement of the nomination and the start of confirmation hearings is 29 days, and between nomination announcement and Committee vote is 37 days.
- Confirmation hearings were held before nomination for 3 of the 4 Attorney General designees of incoming Presidents where the party controlling the Presidency switched (Bell, Smith, Ashcroft) and for all 3 where the nomination announcement was made during the transition. Bell’s nomination received a Committee vote before the nomination was received.

	Bell**	Civiletti	Smith**	Meese*	Thornburgh	Barr	Reno	Ashcroft**	Gonzales*	Mukasey
Total from Nomination Announcement to Start of Hearings	42 days	6 days	35 days	26 days	24 days	25 days	26 days	25 days	46 days	30 days
From Start of Hearings to Committee Vote	8 days	6 days	1 day	7 days	5 days	3 days	1 day	14 days	20 days	20 days
Total from Nomination Announcement to Committee Vote	50 days	12 days	36 days	33 days	29 days	28 days	27 days	39 days	66 days	50 days
Time on Senate Floor (once reported out of Committee)	6 days	1 day	7 days	18 days	1 day	5 days	1 day	2 days	8 days	1 day
Total From Nomination Announcement to Floor Vote	56 days	13 days	43 days	51 days	30 days	33 days	28 days	41 days	74 days	51 days

= Democrats hold Majority in Senate, Democratic President
 = Republicans hold Majority in Senate, Republican President
 = Democrats hold Majority in Senate, Republican President

* First nomination was returned to President

** Hearings began before official nomination was sent to the Senate



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Attorneys General Nomination Timeline

	Bell	Civiletti	Smith	Meese*	Meese	Thornburgh	Barr	Reno	Ashcroft	Gonzales	Mukasey
Nomination Announcement	12/18/1976	7/19/1979	12/11/1980	1/23/1984	1/3/1985	7/12/1988	10/17/1991	2/11/1993	12/22/2000	11/10/2004	9/17/07
Nomination Sent to Senate	1/20/1977	7/20/1979	1/20/1981	2/3/1984	1/3/1985	7/25/1988	10/25/1991	2/26/1993	1/29/2001	1/4/2005	9/21/2007
Hearing Begins	1/11/1977**	7/25/1979	1/15/1981**	3/1/1984	1/29/1985	8/5/1988	11/12/1991	3/9/1993	1/16/2001**	1/6/2005	10/17/2007
Committee Vote	1/19/1977	7/31/1979	1/16/1981	n/a	2/5/1985	8/10/1988	11/15/1991	3/10/1993	1/30/2001	1/26/2005	11/6/2007
Floor Vote	1/25/1977	8/1/1979	1/23/1981	n/a	2/23/1985	8/11/1988	11/20/1991	3/11/1993	2/1/2001	2/3/2005	11/8/2007

*Nomination returned to the President, 10/18/84

****Bell, Smith, Ashcroft Hearings held prior to nomination**