

HOLDER NOMINATION HEARING, PART THREE

Up now on the Committee Webcast.

Grassley: Quinn called you and recorded that you had no personal problem. [places notes in record] Do you remember a comment about the Southern District?

Holder: I don't remember it. But it suggests I knew they were aware of it.

Grassley: Don't you think this is more reliable than your memory.

Holder: I agree in general, but I'd want to note the circumstances of this note.

DiFi spoke, but I missed a lot of it.

Kyl: Internet gambling [I was waiting for this!!] You indicated that under your leadership DOJ would enforce laws prohibiting some kinds of internet gambling.

Kyl: You also said you'd shut off cash flow to internet gambling.

Kyl: "Liability protection" for FISA law. You said you would honor the certification put forth by Mukasey unless there were compelling circumstances. That certification based on investigation of previous conduct prior to the law in order to determine whether entitled to get retroactive immunity. Law provides immunity for conduct prospectively. What circumstances could you conceive of that would relate to this previous investigation?

Holder: I'm not sure I can come up with those circumstances. I don't know.

Kyl: You are aware that DOJ has taken a position in lawsuit in support of liability protection with respect to AT&T.

Holder: It wouldn't happen with change in Admin, that would not be compelling.

Kyl: I hope you won't consider this out of bounds. You were DAG under Clinton when DOJ authorized warrantless search of Ames. Were you involved in that?

Holder: I don't remember. As I understand what my staff relayed to me, national security exception not covered by FISA that would have made that legal.

Feingold: Guidelines on investigation. Will you take a close look at these guidelines.

Holder: FBI changing its mission. I think need to see how they work in practice. I'll commit to doing that.

Feingold: FBI document hundreds pages long, I asked if it would be made public. As AG will you support efforts to make those public?

Holder: helps to be as transparent as we can.

Feingold: Will you support legislation to end racial profiling in America?

Holder: we need to end it.

Feingold: Do you agree there's a need for legislation?

Holder: It's not an issue I've dealt with recently.

Feingold: Bush Admin trying to preempt state law on law suits. Do you think this needs to be changed to restore common law for citizens.

Holder: Need to approach from a pro-consumer perspective.

Cardin: When you are confirmed one of your principle responsibilities will be to make sure access is available. About 50% of those who apply for legal services are turned away. Congress should have been appropriating more money. I hope this will become a priority.

Coburn: Assault weapons? Whether or not you think that ban ought to be re-regulated.

Holder: I think making the assault weapons ban

permanent would be permitted under Heller.

Coburn: FALN decision, as I do moral equivalency. I'm still troubled with your viewpoint on that. Governor "Blaowevich." You failed to mention a short-lived relationship with him. You said you never did substantive work on it. I have a copy of the letter. In response to a FOIA request, it appears you had done enough research to submit a detailed request for documents from Chair of IL gaming board. Tell me how that is not substantive work?

Holder: Letter drafted by associate I work with. We did not received any documents in response to that letter. We were trying to get things set up. Dealing with a conflict. We were never paid. That's what we described it in way we did.

Coburn Did you send bill for the hours worked by your associate?

Holder: No we did not.

Coburn: Want to go to rules on veterans to come back to. Rules that say a veteran incapable at this time, adjudicated mentally defective, cannot own a gun!!

[Holy shit! Coburn is going to take up the case of PTSD veterans to make sure they can own guns!! What a good idea!!]

Coburn: Mentally defective, either mentally defective, we've got a lot of veterans with head injuries, but they end up losing ability to go hunting with their kid or their father.

Holder: People can get well. Rights ought to flow back to them.

Whitehouse: Want to touch on FALN matter. At the time, in the pre-9/11 environment, substantial support for this, was there not? Partial list, 15 pages long, some names on it, Jimmy Carter, 11 members of Congress, 5 members of NYC Council, numerous members of NY legislature, former mayor of NY, David Dinkins, formal resolution, from religious community, UCC in two general synods, general conference of United

Methodist Church, Baptist Peace Fellowship, Presiding Bishop of Episcopal Church of NYC. 5 Nobel Peace Prize recipients, who supported it. Two organizations that had received the Nobel Peace Prize, two family members for deceased Nobel Peace Prize winners, including Coretta Scott King, NLG by resolution. I just wanted to put those names in the record. In context it's important to recognize that leading civil rights, Christian, and governmental organizations were in support at the time. There's been a real conflict between Homeland Security and Hometown Security.

Wow, Holder and Specter are getting into a fight over whether DOJ should have taken a case against Gore on the fund-raising case. Haggis is pretty funny—there are a bunch of Republicans (Hatch, but also Kyl and probably Coburn) who seem prepared to support Holder. But there Haggis is complaining about it.

Specter wants more time.

Specter: When you came to see me for the so-called courtesy call that I wrote to AG designate Gonzales, I have written a similar letter to you, haven't handed it to you. This is the parameter and the scope of congressional oversight. The essence of the letter was a CRS report about appropriate oversight.

I've been off making dinner. Basically Kyl presented all the counter arguments to the shield law, and Holder bought some of them. I gotta tell you, Kyl luvs him some Eric Holder. This thing is over.