

# ERIC HOLDER RESIGNS, WILL LIKELY GO BACK TO REPRESENTING BANKS AT COVINGTON AND BURLING

As we speak, Chuck Schumer is probably yelling into a phone trying to get President Obama to nominate Wall Street's US Attorney Preet Bharara to succeed Eric Holder as Attorney General. "Barack," Schumer is probably yelling, "I can get Mitch to agree to push Preet through in the lame duck."

That's because Holder has just announced his resignation, pending confirmation of his successor.

The three most interesting details in Carrie Johnson's scoop on Holder's resignation are that he is likely to return to Covington and Burling, where – like former Criminal Division Chief Lanny Breuer before him – he will represent banks as they craft sweetheart deals with DOJ.

Friends and former colleagues say Holder has made no decisions about his next professional perch, but they say it would be no surprise if he returned to the law firm Covington & Burling, where he spent years representing corporate clients.

Nice to know a guy can still profit off of 6 years of overlooking rampant bank crime.

Johnson also reported that Holder plans to push through racial profiling guidelines that will protect African Americans but not Muslims.

Long-awaited racial profiling guidelines for federal agents will be released soon, too. Those guidelines will make clear that sexual orientation, ethnicity

and religion are not legitimate bases for law enforcement suspicion, but controversial mapping of certain communities – including Muslim Americans – would still be allowed for national security investigations, one of the sources said.

That will soil the one real bright spot of Holder's tenure at DOJ, his fight for civil rights.

Finally, Johnson reported that Don Verrilli – the guy who seemed to, but did not quite – lose the ObamaCare fight is the leading candidate to replace Holder.

The sources say a leading candidate for that job is Solicitor General Don Verrilli, the administration's top representative to the Supreme Court and a lawyer whose judgment and discretion are prized in both DOJ and the White House.

By "judgement and discretion," I wonder whether Johnson's sources are referring to Verrilli's stubbornness in not correcting the lies he told SCOTUS (wittingly or unwittingly) about DOJ's implementation of FISA Amendments Act in the *Amnesty v. Clapper* case. By claiming, falsely, that DOJ gives defendants notice that they've been caught using Section 702, Verrilli successfully beat back the Justices' concerns that no one would ever have standing to challenge these laws.

For what it's worth, I think people are vastly overestimating the time it will take to replace Holder. After all, Republicans are on the record that they believe Holder to be contemptuous of Congress. While the House GOP that is suing him don't actually get a vote on his replacement, surely they'll convince their proxy Ted Cruz to represent their contempt.

Thus, for the right candidate, I suspect

confirmation will happen quickly, just as Caroline Krass got confirmed in a landslide when the costs of leaving Robert EATINGER – who referred CIA's overseers to DOJ for investigation – in place as Acting CIA General Counsel became clear.

I'm just not convinced Verrilli is that guy. And while Preet did lead the investigation into Alberto Gonzales' politicization of the US Attorneys when he worked for Schumer, surely the GOP cares more about his diligent efforts to not investigate the banks in the interim.