

# Obama's attorney general pick and the illusion of change

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As with the president-elect himself, the focus on racial identity serves to mask the mounting indications that, far from fleshing out the vague promises of “change” that dominated the election campaign, the transition to the Obama presidency is laying the foundations for the continuation of many of the criminal and reactionary policies of the past eight years.

The only widely reported criticism of Holder has come from the Republican right. It apparently wants to make an issue of the involvement of the former deputy attorney general in a presidential pardon issued by Bill Clinton at the end of his presidency for the billionaire fugitive investor Marc Rich. How much mileage they can get out of flogging this petty scandal is unclear. There is the inconvenient coincidence that Rich's lawyer at the time of the pardon was Lewis “Scooter” Libby, the former chief of staff to Vice President Cheney, who is expected to seek his own end-of-term pardon from President Bush on felony convictions in the Valerie Plame CIA identity leak case.

The reality is that Holder represents a bipartisan consensus candidate, having been appointed by both Republican and Democratic administrations to prosecutorial and judicial positions, where he developed a law-and-order reputation.

As a senior legal advisor to the Democratic Party, Holder was intimately involved in the party leadership's complicity with the police state measures enacted under the Bush administration, playing a leading role in the talks that led to the reauthorization of the Patriot Act in 2005, for which Obama himself voted.

After leaving the Clinton administration, Holder parlayed his government service into a lucrative position as a partner at the Washington, DC legal and

lobbying firm of Covington & Burling, which counts big tobacco among its most important clients.

Holder's most high-profile case at the firm was his defense of the food giant Chiquita Brands International, Inc., whose multi-millionaire executives were facing potential charges of aiding terrorism because of their financing and arming of right-wing death squads in Colombia.

Using his longstanding ties at the Justice Department, Holder managed to get Chiquita off the hook with a fine that amounted to 0.55 percent of its annual revenue. This was despite the overwhelming evidence—and the company's own admission—that it had paid out millions of dollars to the United Self-Defense Forces of Colombia (known by its Spanish acronym AUC), as its gunmen carried out the massacre, assassination, kidnapping and torture of tens of thousands of Colombian workers, peasants, trade union officials and left-wing political activists. Fully half of these payments were made after AUC was formally designated as a foreign terrorist organization, and they continued for a full year after the Justice Department had warned Chiquita that it would face prosecution if it failed to halt the payments.

Some have defended Holder on the grounds that he is not responsible for his clients' actions and that every defendant is entitled to a lawyer. This is no doubt true, but lawyers also have a right to choose whom and what class interests they defend. Holder's record is not that of a champion of civil and democratic rights or a defender of the oppressed, but rather a legal servant of the corporations and the state, complicit in their criminality and repression.

No less significant than the nomination of Holder is the reported decision of the Obama transition team to maintain as his chief law enforcement deputy the current FBI Director Robert Mueller.

Although Mueller's term does not expire until 2011, an incoming president has the power to demand resignations and make it clear that he wants his own appointees in key positions. Given the record of the last eight years, there are compelling reasons for someone purportedly standing for "change" to want to make a clean sweep.

Mueller is fully implicated in the gross abuse of power carried out by the Bush administration in the name of the "global war on terrorism." Under his direction, the FBI employed so-called National Security Letters (NSLs) to illegally spy on tens of thousands of people in the US, illegitimately collecting email, telecommunications, and financial and other personal information.

It is the same story and worse at the Pentagon and the CIA. Citing sources in the transition process, the *Financial Times* reported Wednesday, "President-Elect Barack Obama and Robert Gates are negotiating terms under which the defense secretary would remain as Pentagon chief in the new administration." Retaining Gates, who championed the "surge" that has killed tens of thousands of Iraqis and another 1,000-plus US troops, sends an unmistakable signal of continuity with the Bush administration's record of aggressive militarism.

Meanwhile, at the CIA, the transition is headed by one John Brennan, who was a top aide to former CIA Director George Tenet and who participated directly in the decisions to initiate the policies of torture, extraordinary rendition and secret prisons that have provoked revulsion all over the world. Brennan, like Tenet, deserves to confront a war crimes tribunal, yet he is shaping intelligence policy for Obama.

Given these appointments, a report published Monday by the Associated Press that the incoming Obama administration "is unlikely to bring criminal charges against government officials who authorized or engaged in" torture hardly comes as a surprise.

The emerging continuity of policies and personnel at Justice, the FBI, CIA and Pentagon means that there will be no accounting whatsoever for the war crimes and gross violations of the US Constitution carried out under the Bush administration.

This is not merely a matter of sweeping these crimes under the rug—as serious as that is. Rather, what is being prepared are cosmetic changes behind which

these same methods will be employed once again to pursue US interests abroad and suppress social unrest and class antagonisms at home.

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