

Eric Holder returns to law firm that represents Wall Street banks

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Eric Holder, the Obama administration's Attorney General from 2009 to 2015, has gone back to his old job at the Covington & Burling law firm, which specializes in representing Wall Street banks and executives. He is expected to begin collecting a seven or eight figure salary.

Holder's new job is a confirmation of the fact that America is run by criminals. For six years, Holder used the office of the nation's top attorney to benefit the financial elite. Now he is going back to work for them directly.

Holder was a key figure in ensuring that nobody was held accountable for the criminal financial practices that helped crash the world economy in 2008. On his watch, not one banker was convicted of a crime in connection with the rampant fraud, tax evasion, bribery, and other outrageous financial cheating that came to light in the aftermath of the meltdown. Instead, the Obama administration invited the criminals to help themselves to the public treasury, continuing the flow of vast sums of "bailout" funds to the same individuals and institutions whose practices had contributed to the crash.

Holder introduced the concept that the Justice Department should not prosecute where the "collateral consequences" of prosecution were too great. This concept, combined with Holder's concept that certain banks were "too big to fail," resulted in his infamous argument that certain banks were "too big to prosecute." In 2013, Holder announced that he was "concerned that the size of some of these institutions becomes so large that ... if we do prosecute—if we do bring a criminal charge—it will have a negative impact on the national economy, perhaps even the world economy."

The "too big to prosecute" doctrine, like the ancient

privileges of the nobility, effectively creates a legal class of individuals who, so long as they are rich enough, are above the law and can never be held accountable for anything. In some states in America, it is possible to be sentenced to life in prison for shoplifting. But according to Holder, if you steal a big enough sum of money, you should not have to go to jail for a single day.

To prevent financial criminals from suffering any consequences for their illegal conduct, Holder had a practice of entering into "settlements," pursuant to which the criminals would pay fines to avoid prosecution. The amounts of the settlements were generally a small fraction of the fortunes that were illegally made—a token payment in return for immunity from future prosecution.

These "settlements" were structured in such a way that they purportedly could not be reviewed by judges, in order to prevent them from being challenged as too lenient. Holder also allowed the banks to account for these backroom deals as "remedial payments" instead of fines, for tax purposes, so that they could be written off as business expenses—effectively forcing taxpayers to pay the banks' fines.

In an article for *Rolling Stone*, journalist Matt Taibbi accurately characterizes Holder as "the best defense lawyer Wall Street ever had."

Now, the savior of Wall Street is cashing in. Incredibly, Covington & Burling literally *kept an office empty* for Holder during his six-year term as Attorney General. Salon writer David Dayen observed that this is a direct conflict of interest and an apparent violation of federal ethics law. In other words, Holder had an office reserved at Covington & Burling while the firm was representing clients that Holder was supposed to be prosecuting.

Holder's new salary is not publicly available, but before his appointment it was \$2.5 million. It goes without saying that his new salary will be far higher.

The phrase "revolving door" refers to the scandalous practice of politicians taking jobs in the industries they are supposed to be regulating and vice versa, but Holder's new job takes the concept to unprecedented heights. Covington & Burling's client list includes many of the same banks that Holder directly helped escape prosecution, such as Bank of America, JPMorgan Chase, Wells Fargo and Citigroup.

So much for the Obama administration's so-called "defender of civil rights"!

Indeed, Holder's shameless advocacy for the interests of Wall Street goes hand in hand with his utter contempt for democratic rights and the rule of law. The same kind of pseudo-legal sophistry that Holder employed to justify Wall Street crimes was applied to war crimes as well.

One of Holder's first projects in office, under the Obama administration's doctrine of "looking forward not backward," was to make sure that none of the Bush-era torturers and war criminals were held accountable. Holder's justification for refusing to prosecute was that torture and other crimes had been sanctioned in advance by the Bush administration's Justice Department.

By far Holder's most notorious argument, from a legal standpoint, was his justification of extrajudicial assassination. According to the Fifth Amendment, part of the Bill of Rights, "No person ... shall be deprived of life ... without due process of law." But according to Holder, "'Due process' and 'judicial process' are not one and the same, particularly when it comes to national security. The Constitution guarantees due process, not judicial process."

In other words, it satisfies "due process" if the president convenes in secret with his national security advisers before issuing a death warrant for an American citizen, to be carried out by a CIA drone strike within the borders of the US. Holder's interpretation of the Bill of Rights renders it meaningless and perfectly consistent with a totalitarian dictatorship.

Holder's legacy as Attorney General also includes mass deportations of immigrants, hostility to civil rights, defending killer cops, shielding corporate criminals at GM and BP, slashing workers' wages and

benefits in the auto restructuring, mass surveillance, persecuting journalists and whistleblowers, and infiltrating fascistic legal doctrines into American jurisprudence.

Holder's trajectory starkly confirms Lenin's analysis of the relationship between democracy and capitalism, and specifically the role of finance capital in the epoch of imperialism. "Finance capital does not want liberty, it wants domination," wrote Austrian Marxist Rudolf Hilferding in a passage quoted approvingly by Lenin in *Imperialism: the Highest Stage of Capitalism*.

"Imperialism is the epoch of finance capital and of monopolies, which introduce everywhere the striving for domination, not for freedom," Lenin wrote. "Whatever the political system, the result of these tendencies is everywhere reaction..."

Eric Holder is a personification of the interests of Wall Street. He exemplifies the hostility of finance capital towards democracy and the rule of law, and its objective trajectory towards reaction and dictatorship.



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