

How Eric Holder Facilitated the Most Unjust Presidential Pardon in American History

By Justin Peters



Marc Rich

Photo by Guido Roeoesli/AFP/Getty Images

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Marc Rich, the man who got away with it, **died last week**, and I would be remiss if I let his death pass without comment. Rich became internationally notorious in 2001, when, as a fugitive from justice, he was pardoned by Bill Clinton in the last hours of his administration. What many don't recall is that Attorney General Eric Holder, who was then a deputy attorney general, was instrumental in securing Rich's pardon.

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Rich was a pioneering commodities trader who made billions dealing in oil and other goods. He had a habit of dealing with nations with which trade was embargoed, like Iran, Libya, Cuba, and apartheid South Africa. Rich also had a habit of not paying his taxes, to the point where one observer **said** that "Marc Rich is to asset concealment what Babe Ruth was to baseball." The United States **indicted** Rich in 1983, **hitting him with charges**—tax evasion, wire fraud, racketeering, trading with the enemy—that could've brought life in prison. Rich fled the country.

He remained at large for almost 20 years. (Rich's obituaries have said that, for much of that time, he was on the FBI 10 Most Wanted List, a claim that I have not been able to independently verify. A Lexis-Nexis database search reveals nothing; a call to the FBI's press office was not fruitful.) Rich lived in a big house in Switzerland and spent lots of money trying to make the charges against him go away, giving money to American politicians and to various Israeli causes, motivated at least partly in the latter case by the hope that officials in Israel might petition the United States on his behalf.

Finally, in 2000, he saw some return on his efforts. **Eric Holder** was the key man. As deputy AG, Holder was in charge of advising the president on the merits of various petitions for pardon. Jack Quinn, a lawyer for Rich, approached Holder about clemency for his client. Quinn was a confidant of Al Gore, then a candidate for president; Holder had ambitions of being named attorney general in a Gore

administration. A **report from the House Committee on Government Reform** on the Rich debacle later concluded that Holder must have decided that cooperating in the Rich matter could pay dividends later on.

Rich was an active fugitive, a man who had used his money to evade the law, and presidents do not generally pardon people like that. What's more, the Justice Department opposed the pardon—or would've, if it had known about it. But Holder and Quinn did an end-around, bringing the pardon to Clinton directly and avoiding any chance that Justice colleagues might give negative input. As the House Government Reform Committee report **later put it**, "Holder failed to inform the prosecutors under him that the Rich pardon was under consideration, despite the fact that he was aware of the pardon effort for almost two months before it was granted."

On Jan. 19, 2001, Holder **advised the White House** that he was "neutral leaning favorable" on pardoning Rich. But the U.S. pardon attorney, Roger Adams, needed to sign the pardon, too, and a background check needed to be done. The White House waited to contact Adams until slightly after midnight on Jan. 20, hours before Clinton would leave office. Here's how a recent **American Thinker piece** described the scene:

Adams would be required to sign the pardons, and when he was informed by White House staff that night, a perfunctory check was done. Adams was stunned to learn that Rich and [Rich's partner Pincus] Green were both fugitives. He tracked down Holder and called him at his home at 1 a.m. that morning.

Adams informed Holder that Clinton was giving serious consideration to pardoning the two fugitives. Holder told Adams that he was aware of that fact, and the conversation abruptly ended.

Later that day, Rich's pardon went through.

Since then, Bill Clinton hasn't stopped apologizing for the pardons of Marc Rich and Pincus Green. "It was terrible politics. It wasn't worth the damage to my reputation," **he told Newsweek in 2002**—and, indeed, speculation was rampant that Rich (and his ex-wife) had bought the pardon by, in part, donating \$450,000 to Clinton's presidential library. Clinton denied that the donations had anything to do with the pardon, instead claiming that he took Holder's advice on the matter. Holder, for his part, has distanced himself from the pardons as well. As the House Government Reform Committee report put it, he claimed that his support for the pardon "was the result of poor judgment, initially not recognizing the seriousness of the Rich case, and then, by the time that he recognized that the pardon was being considered, being distracted by other matters."

The excuses are weak. In the **words of the committee report**, "it is difficult to believe that Holder's judgment would be so monumentally poor that he could not understand how he was being manipulated by Jack Quinn." And presidential pardons don't just slip through like this, especially not pardons of wanted fugitives. If Holder had followed protocols and made sure the Justice Department was looped in, there's no way that Rich would have been pardoned. Hundreds of thousands of

men sit in American prisons doing unconscionably long sentences for nonviolent drug offenses. DNA tests routinely turn up cases of unjust convictions. But Marc Rich bought his pardon with money and access, and the committee's response to that purchase is worth quoting in full:

The President abused one his most important powers, meant to free the unjustly convicted or provide forgiveness to those who have served their time and changed their lives. Instead, he offered it up to wealthy fugitives whose money had already enabled them to permanently escape American justice. Few other abuses could so thoroughly undermine public trust in government.

But there was no real lasting damage to trust in government, or to anyone's reputation, really. Bill Clinton retired to wealth and adulation. Eric Holder got his wish and eventually became attorney general. And Marc Rich died a wealthy man in Switzerland. He never came back to the United States—if he had returned, he would have been subject to civil suits, which would have ended up costing him money—but he was able to live out the rest of his life without having to worry about being arrested, having bought his freedom from craven politicians who were only too willing to sell.