

A RECESS APPOINTMENT FOR MILITARIZED SPOOKS BUT NOT FOR RULE OF LAW

Remember how Dawn Johnsen's nomination to head OLC languished and then died as Obama claimed—falsely—not to have the votes? Obama pointedly didn't use a recess appointment to put his incredibly qualified candidate in the post.

Not so for James Clapper, whom Obama is preparing to recess appoint to head Director of National Intelligence rather than make concessions on intelligence oversight to Congress. As Marc Ambinder reports, DiFi won't hold hearings for James Clapper until an intelligence authorization is passed, but Nancy Pelosi wants to use that intelligence authorization to force the Administration to expand notice on covert programs. And since that's all going to take a lot of time (and Obama doesn't want to be forced by Congress to expand notification), Obama's likely to recess Clapper.

So not just is Obama appointing someone who wants to dismantle DNI even while Congress thinks it should be strengthened, but he's doing so in such a way that deliberately avoids reestablishing the balance of power between the branches of government.

Hey, Obama? All that crazy covert stuff that will expand in DOD under Clapper? All the problems that's going to cause? You own that.