

# MERCER'S NON-MOVE

Bill Mercer's announcement that he's stepping down is much more interesting than the other clique resignations for several reasons (thanks to TeddySF for the heads up). First, his "resignation" does not mean he leaves DOJ; rather, he simply avoids a nomination hearing. And that's a nomination hearing that would have been challenging, to say the least.

William W. Mercer— who had been acting associate attorney general since September —withdrew his nomination for the job just days before he was scheduled to appear at a Senate Judiciary Committee confirmation hearing Tuesday.

[snip]

"After much consideration, I have concluded that it is highly unlikely that both the Judiciary Committee and the Senate will take prompt action on my nomination in the near term, if ever," Mercer wrote.

[snip]

Justice officials said Mercer made the decision to withdraw, based on his assessment of expected opposition from many Democrats and uncertain support from Republicans. No GOP members were expected to show up for Tuesday's confirmation hearing because of the Senate immigration debate, one official said.

But note the word games! Mercer claims he was resigning because SJC wouldn't act on his nomination—but there was a hearing scheduled for Tuesday, so it's clear they were prepared to act on his nomination. Further, note that the official in the last paragraph here appears to be a Justice Department official. So while DOJ is spinning GOP Senators' refusal to appear at a Mercer hearing as related to the immigration

debate, that information is not coming from someone—such as a GOP Senator—who would know why the GOP was going to stand up Mercer.

Which all suggests we need to read this resignation as something different—not an attempt to leave DOJ, but a move to make sure Mercer can stay at DOJ, even if only in his role as USA for Montana. And I find that interesting for a few reasons—it raises questions about why it was so important for Mercer to remain USA in Montana, when he really hasn't been focusing on his job there for about 3 years.