

THE CALL FOR A SPECIAL COUNSEL

As Christy has reported, Senators Schumer, DiFi, Feingold, and Whitehouse have called on Paul Clement to appoint a Special Counsel. I'm underwhelmed with the idea, for several reasons. First, Clement is clerkship spawn of Laurence Silberman and Antonin Scalia, both of whom have well-earned reputations for putting their partisan loyalties (and duck hunting hobbies) above their commitment to independent justice. So what's to stop Clement from appointing Ken Starr, who I'm sure could declare Alberto Gonzales innocent before the end of August's recess?

There is, of course, the outside chance that Clement would do the right thing and appoint someone who could bring some independence to the investigation. To offer a ray of support for the suggestion, Clement is many smart people's first choice to be the answer to this Sidney Blumenthal puzzle.

Yet another Bush legal official, even now at the commanding heights of power, admits that the administration's policies are largely discredited. In its defense, he says without a hint of irony or sarcasm, "Not everything we've done has been illegal." He adds, "Not everything has been ultra vires" – a legal term referring to actions beyond the law.

At the time, I voted for Fred Fielding, but I think Clement a very like candidate. So if he is, indeed, willing to publicly declare the Administration to be breaking the law, then maybe he'd pick someone competent. And heck—DC's a small place, maybe the four Senators calling on Clement know this.

But aside from the question of whether Clement will pick someone competent, I have these two

complaints. First, the Senators endorse the ongoing IG/OPR investigation of the USA firings.