

# NO INPUT FROM DOJ

The WaPo reveals that the White House pulled the Clement-Keisler headfake with no input from DOJ.

While Mukasey's nomination is pending, the Justice Department will be run by former civil division chief Peter D. Keisler, a conservative appointee who this week was a surprise replacement in that role for Solicitor General Paul D. Clement. Clement, who was publicly tagged last month as the temporary replacement for Gonzales, wound up officially taking the helm at 12:01 a.m. Monday and relinquishing it 24 hours later, officials said.

The switch was made on Sunday by the White House with no input from Justice Department officials, said two sources with knowledge of the matter. The change added another level of uncertainty to life at the Justice Department, where nearly every top senior official has resigned in the wake of controversies under Gonzales.

The article goes on to suggest that Chuck Schumer (whose pick Mukasey was, effectively) is brokering some kind of deal with the White House.

Schumer, who has been in touch with Fielding, stopped short of saying he is brokering a deal but said: "I made it clear to the judge how important it was to solve this. I'm trying to make sure everything works out." Schumer said he talked with Mukasey about habeas corpus issues, wiretapping, "the unitary theory of the executive," and problems in the civil rights division. Mukasey promised he will return with answers.

Though I think Schumer is pretty shrewd, for a

Democrat, I also worry that his attempt to leverage the Gonzales replacement could backfire. I expanded on my earlier thoughts on the Keisler headfake in my Guardian column.

By appointing Keisler acting attorney general, Bush has given the slot of chief law enforcement officer in the land to a longtime ally of AT&T, a telecommunications giant whose decisions about cooperating (or not) with the government could have tremendous impact on the administration's surveillance policies.

[snip]

The longer Democrats stall Mukasey's approval in the Senate, the longer they'll leave the telecommunications fox in charge of the privacy hen house. Democrats can hold out for the documents they've been demanding for years; if they do so, they may finally learn what it was about the warrantless wiretap program that so greatly disturbed former administration officials like James Comey. But in doing so they leave allies of the telecommunications industry in a remarkable position to influence the administration's ongoing agenda- and perhaps to institutionalize the existing surveillance program.

Like I said, Schumer is pretty smart. I just hope he knows what he's doing. And I hope the brokered deal doesn't replace an investigation.