

AMBINDER ON HOLDER

There's enough new reporting in this Ambinder piece (commenting on this Klaidman piece covered in this post) that it merits its own post.

First, there's this description of the division of labor among Obama's top lawyers.

When Obama asked Holder, a longtime friend, to become attorney general, Holder extracted a promise – perhaps extracted is too tough of a term because Obama readily agreed – that the White House would not interfere with the Department's decisions about whether to launch investigations, according to two people with knowledge of the encounter. When it comes to setting and refining judicial policy, the White House counsel's office plays the lead role. But Holder and his deputies get to decide whom to prosecute.

Now, I'm suspicious of Holder, but loathe all I know of Greg Craig, so this sparked my concern. I'm really curious, you lawyer types ... Is it normal for the White House Counsel to "set and refine judicial policy"? Has Holder really become nothing but a glorified mega-prosecutor? (I can understand why he extracted this policy, having seconded Janet Reno, but still.)

And then there's this loaded passage.

On the one hand, it is tough to see a prosecutor being given a mandate to determine whether former Vice President Dick Cheney ordered CIA officials to not brief Congress on a highly sensitive, classified intelligence collection program given the very real chance that the national security damage resulting from the disclosure of information about the program might be significant.

Nonetheless, it's doubtful that Holder

would lean into a decision in such a public way unless he was ready to consider an option that may well have significant ramifications for the country and lay a strong precedent for future administrations.

Since the beginning of his presidential transition, Obama has been counseled by his attorneys that any such investigation is likely to be incomplete, resulting in people being charged with sins they participated in but did not originate. Even senior Justice Department officials admit that the possibility of an elected White House decision-maker like the Vice President being charged with a crime is remote. Obama would rather not see middle managers prosecuted for decisions, or crimes, of elected officials or senior political appointees. And he is very concerned with precedent. But this will not be his decision to make.

I'm not entirely sure what that middle paragraph means. But I'm curious by the third and the first.

Everyone—everyone—seems to know that Cheney's the lawbreaker-in-chief here. He was, clearly, in the CIA Leak case (though insiders like Ambinder poo-pooed it as one big political tussle). If that's the case, can we start having that conversation and—for chrissakes—release the evidence that makes that clear, like Cheney's Fitzgerald interview?

The man's a thug. The man remains a threat to our way of government. At some point, we need to agree that that is more important than Rahm's political hand-wringing.