

STEPHEN MILLER'S AND TRUMP'S GROSS RE-POLITICIZATION OF DOJ

There was some legitimate concern about inappropriate machination of the Department of Justice when Trump named and confirmed Jeff Sessions as his Attorney



General. Typical discussion followed this by Isaac Arnsdorf at Politico:

Donald Trump suggested on the campaign trail that he could use the Justice Department to fulfill his political agenda, taunting Hillary Clinton by threatening to throw her in jail over her email scandal.

Now, Sen. Jeff Sessions, Trump's pick for attorney general, will have to decide whether to follow his predecessors by vowing to not let politics drive the DOJ's decision-making.

That was one, and a serious, level of concern. Today we find said concern not close to being deep enough as to how the Trump White House would try to run Justice as merely a lever of their extreme politics.

But, via the New York Daily News, comes a little noticed, and truly frightening report of just how renegade and ridiculous the "fine tuned machine" the Trump White House is determined to be in politicizing the DOJ. In an article captioned "Stephen Miller called Brooklyn U.S.

Attorney at home and told him how to defend travel ban in court”, comes the stunning news that:

In the chaotic hours after President Trump signed on a Friday afternoon the sloppily written executive order meant to fulfill his Muslim ban campaign promise, Stephen Miller called the home of Robert Capers to dictate to the U.S. Attorney for the Eastern District how he should defend that order at a Saturday emergency federal court hearing.

That’s according to a federal law enforcement official with knowledge of the call, which happened as Department of Justice attorneys cancelled plans, found babysitters and rushed back to their Brooklyn office to try and find out what exactly it was they were defending and who was being affected by it – how many people were already being held in America, how many were being barred from arriving here and the exact status of each person.

The full article at the NYDN is mandatory reading, but let that sink in for a second. 31 year old Stephen Miller, a wet behind the ears extreme right wing ideologue with white nationalist leanings and NO, repeat NO legal training, much less law degree, called up a United States Attorney – at home! – to “dictate” how the DOJ would operate in an emergency litigation situation in an United States District Court.

Stunning is too weak of a response. Shocking is insufficient. It is actually hard to know what the proper words for this are.

I asked Matthew A. Miller, former OPA head under the Obama DOJ for a thought on the implications of Stephen Miller’s hubris in this instance. His reply was:

The last time a White House started dictating demands to U.S. attorneys, the sitting Attorney General had to resign in disgrace. This raises yet another in a series of questions about whether the Sessions Justice Department will be independent from the Trump White House.

Exactly. I would have said “unprecedented” above along with “stunning” and “shocking”, but for what occurred during a period of the Bush/Cheney regime when the interaction and control of the DOJ from the White House was extreme. And, ultimately, blown up as beyond unacceptable and appropriate by more reasoned minds and authorities. And, I might add, substantially due to the Fourth Estate of the press, that Trump blithely and ignorantly describes as “enemies of the American people”.

Yes, it is really that important of a moment now with Stephen Miller (note: NO relation to Matthew A. Miller) and the extreme hubris and lack of institutional awareness, competence or control, and obvious disdain for any, by the Trump Administration.

The diagram illustrates two protocols for information flow between the White House and the Department of Justice.

Bush Protocol: The White House (top) is connected to the Department of Justice (bottom) via four lines. The lines connect the White House to the Office of the President, the Office of the Vice President, the Office of the Attorney General, and the Office of the Deputy Attorney General. The Department of Justice is shown as a single entity.

Clinton Protocol: The White House (top) is connected to the Department of Justice (bottom) via three lines. The lines connect the White House to the President, the Vice President, and the Attorney General. The Department of Justice is shown as a single entity.

With the grossly inappropriate statements of President Donald Trump as to how “he” will direct prosecutions of political enemies and other criminal and military defendants, leakers and others, to the literally insane conduct of Stephen Miller here, it is time to remember Senator Whitehouse’s chart.

It is also time to wonder if Sheldon Whitehouse

and other members of the Senate Judiciary Committee have the cojones to take the fight for the Constitution and integrity of the justice system once again to a renegade White House. And the Trump White House has quickly made the Bush/Cheney White house look better in the rear view mirror, as truly craven as they were.

And, yes, the situation is exactly that dire if you recall the same Stephen Miller, being sent out and directed to all the Sunday political shows to declare and mandate that:

“...our opponents, the media and the whole world will soon see as we begin to take further actions, that the powers of the president to protect our country are very substantial and will not be questioned.”

This is straight up an Article II Branch declaration of pure tyranny by Stephen Miller and Trump. This is a serious problem, and this is an Administration making good on its promise and determination in that regard.