

THE REASON HOLDER RECUSED IN UNDIEBOMB 2.0 PROBABLY RELATES TO REASONS HE THINKS IT'S SO BAD

A lot of people are responding furiously with what should not be news: that Eric Holder approved the warrants in the investigation into Fox report James Rosen's story.

Attorney General Eric Holder signed off on a controversial search warrant that identified Fox News reporter James Rosen as a "possible co-conspirator" in violations of the Espionage Act and authorized seizure of his private emails, a law enforcement official told NBC News on Thursday.

[snip]

Holder previously said he recused himself from the AP subpoena because he had been questioned as a witness in the underlying investigation into a leak about a foiled bomb plot in Yemen. His role in personally approving the Rosen search warrant had not been previously reported.

DOJ policy requires Attorney General sign-off on such warrants and subpoenas, Holder has no apparent reason to recuse in this case, so we should have all expected he signed off on them.

To be clear, I don't defend the warrant to get Rosen's emails; the claims he conspired in a leak are terribly dangerous. So I won't defend Holder for having approved the warrant in the least.

But people seem to be suggesting that because Holder approved the Rosen warrant, he could have

approved the UndieBomb 2.0 subpoena, so must be dodging some issue by recusing.

Consider a few basic details. First, the UndieBomber 2.0 mole reportedly infiltrated AQAP up to a year in advance, which would put him in Yemen, at least, if not AQAP, before Anwar al-Awlaki was killed September 30, 2011. And UndieBomber 2.0 was eventually working with Fahd al-Quso, who had a role – perhaps a more dominant role – in some of the attacks used to justify Awlaki's killing, including UndieBomb 1.0 and the toner cartridge plot.

As I noted, for some reason DOJ did not implicate Fahd al-Quso in Umar Farouk Abdulmutallab's sentencing memo 2 months before the UndieBomb 2.0 "plot" was "thwarted," even though he clearly had a role in the earlier UndieBomb plot. But to the extent that sentencing memo was about providing a public justification for the Awlaki killing (and it was billed as such when it was rolled out), then it would have gone through review if not have been developed in the Attorney General's office, as that's where everything else on transparency on the Awlaki killing went (and probably still goes, up to Wednesday's letter on the topic).

In other words, to the extent that an operation to get either Ibrahim al-Asiri or Quso would be tied up with the at that point recent killing of Awlaki, the AG's office would be involved (and all that assumes things went down generally as the government claims it does; the AG's office could be far far more involved, and therefore exposed by the leak, in a number of other scenarios).

Then there's the question of the security theater rolled out for the Osama bin Laden anniversary, the "scores" of Air Marshals sent to Europe to prevent a threat that had already been rolled up. While the implementation of such security would be directed primarily out of Department of Homeland Security, the decision to deploy it likely involved discussions of the President's entire national security team,

including Eric Holder.

And all this makes sense. The only way the UndieBomb 2.0 leak could have anywhere near the gravity Eric Holder claims it does (even though the claimed reasons for its seriousness appear totally bogus) is if this kind of high level operation and deception were going on.

Which really ought to raise more questions about why the Administration (or Holder) panicked so much about the leak in the first place.