

WHERE WILL BRENNAN LAND IN RAHM V. DOJ SPAT?

As Jason notes, David Axelrod has already taped a CSPAN response to Jane Mayer's piece on Rahm's spat about distractions like "the law" and "human rights" with Eric Holder and Greg Craig. In it, Axe appears to try to distance the White House from the decisions that have been attacked in the last few weeks, particularly the decision to try Khalid Sheikh Mohammed in New York.

David Axelrod did not dispute that a rift had emerged between the White House and the Justice Department over the 9/11 case, which has recently become a political sore spot for the administration. Despite a rising tide of opposition to having a trial in Manhattan, which has sent the administration scrambling to find another location, Axelrod said it was not a mistake for Holder to announce the trial would be held there. But Axelrod did not defend it – or portray it in any way as a decision that came from the White House. "The attorney general was responding under the protocol that was developed between the Department of Justice and the Department of Defense for the prosecution of terrorists," Axelrod said in an interview for C-SPAN's "Newsmakers" series set to air on Sunday.

Acknowledging White House resistance to the Justice Department decisions, Axelrod continued: "Rahm has a perspective that's different. He's the chief of staff. He looks at things from a legislative perspective, he looks at things from other perspectives."

Side note: Responsible journalism would dictate that Anne Kornblut avoid the metonymy of “White House” here, as it obscures whether this is just Axe and Rahm working the press as they do, or Obama as well. After all, if Obama has decided to give Holder autonomy on this decision, he has, in fact, supported such a decision, or should have. But therein may be the real root of White House dysfunction on this issue.

So Rahm and Axe are out there declaring that the decision to try KSM in a civilian trial in NY belongs entirely to DOJ and DOD, which Axe appears to portray as somehow divorced from the authority and will of the White House (and therefore, from Obama). In the likelihood that the trial will be moved to some other venue altogether, then, Axe and Rahm can continue to make Holder the scapegoat. Heck, they may even be trying to force Holder out like they have forced Craig out.

But what’s going to happen when the White House strongly owns its decisions on the handling of the Underwear Bomber? They’ve got John Brennan on Meet the Press tomorrow to defend the Administration’s decisions on his treatment. As Mark Ambinder tweets,

Admin puts Brennan on Sunday shows to defend Abdulmuttalab’s handling. He is steaming mad about the CW.

Whatever my complaints with Brennan, he does come off as less of a backroom bumbler than Rahm and Axe of late. And he plans to go on TV and rebut the conventional wisdom about the decision to mirandize Umar Farouk Abdulmutallab and try him in civilian court.

In other words, Brennan will be making the same defense of civilian law as Eric Holder has. Maybe, in the process, he’ll explain how Abdulmutallab’s testimony has already led the White House to put Anwar al-Awlaki on a kill list, just to look tough in the process!

So it seems that as Rahm and Axe try to set up

and scapegoat Holder, one of the grownups is about to go on TV and own not the KSM decision, but certainly the decision to sustain our system of civilian law.