

# THE THINGS BOB BAUER WAS DOING BEFORE TAKING OVER ETHICS

The White House Ethics Czar, Norman Eisen, has gotten himself nominated to serve as Ambassador in one of the greatest places on earth, Prague, Czech Republic. To replace the function of Ethics Czar, the White House has announced that White House Counsel Bob Bauer will take over, and Steven Croley (who worked on the campaign) will lead a team of six to oversee ethics.

Ethics wonks are mixed about whether this arrangement will meet the high standards Obama set when he came into the White House. POGO's Danielle Brian takes Bauer's appointment as a good sign that ethics will continue to be a priority. OMB Watch's Gary Bass is happy the White House worked so quickly to implement a plan to replace Eisen. But Sunlight Foundation's Ellen Miller views the appointment of Bauer—who has a history of supporting bad ethics habits—as a setback.

This concern is magnified manifold when Eisen's key successor – Bauer – can hardly be described as having the DNA of a 'reformer.' This is the man who invented the rationale for the acceptance of "soft money" – unregulated (chiefly corporate) funds that flooded elections to the tune of \$1.5 billion between 1992 and 2002, and the man who sided with arch conservatives in their defense of lack of transparency.

[Update: CREW has concerns as well.]

I'll leave it to the ethics wonks to decide whether Bauer can do the job—on ethics—well or not. And FWIW, the one time I've seen Bauer's work close up (during an election-related suit here in MI in 2008), I thought he was the kind

of fighter Dems need more of.

But I am worried about what this says about the Administration's focus on two other critically important functions. You see, when Bauer took over for Greg Craig, he was hailed as the kind of guy who could solve two problems Craig had failed to: judicial confirmations and closing Gitmo.

Bmaz has recently catalogued some of the ongoing problems with judicial nominations and confirmations (here and here).

And Josh Gerstein reports that Lindsey Graham just filed a bill to try to force the White House to take a position on things like habeas corpus. Now, frankly, I consider it partly a good sign that the Administration has stopped trying to placate Lindsey's wishes to carve out huge holes in our civilian legal system. But I couldn't help but notice that when Robert Gibbs was asked yesterday about the promises Obama hasn't kept—pointing specifically to gay rights and Gitmo—he said the Administration had a process in place to end DADT, but remained silent about Obama's promise to close Gitmo.

Q And what about the rest that is outstanding – gay rights, Guantanamo –

MR. GIBBS: I will say this – all things that the President made commitments on and is focused on doing. We have a process underway with the Pentagon to make changes, as the President outlined in the campaign and, quite frankly, even before the campaign, in “don't ask, don't tell” as somebody running for the U.S. Senate in 2004. We have a process to make good on overturning “don't ask, don't tell.”

Not to mention the squabble over where Ibrahim al Qosi will have to spend his two year secret sentence all seems to assume he'll remain in Gitmo for that time.

Now, as with many things, the Administration doesn't deserve all of the blame on these two issues. Republicans have held up key judiciary positions—but the Admin hasn't even identified a nominee for many of them. Congress has consistently voted against funding the closure of Gitmo, but aside from a few pathetic squeaks explaining how important closing Gitmo and using civilian trials was, the Administration has just left it at that, still forgoing the bully pulpit to explain how important closing Gitmo is. (In news potentially related to Gitmo, Obama's approval ratings in the Arab world have taken an astonishing nosedive—with those "hopeful" about Obama's policy in the Middle East dropping from 51% to 16%—though much of that appears to stem from inaction on the Israeli-Palestinian conflict.)

Judicial nominations have to be a priority, not least because of the decades-long assault on the judiciary by the Federalist Society. And Obama has always listed closing Gitmo as one of his big priorities. Yet he just gave the guy who was supposed to resolve those two issues a new, different job to do.