

# THE TOP UNMENTIONED OBAMA REPLACEMENT: ROBERT MUELLER

A slew of second-term cabinet speculation articles have come out (National Journal, first posted before the election, and NYT and USAT today).

And while they seem to indicate Jack Lew is likely to replace TurboTaxTimmeh Geithner and Secretary of State will be the subject of active speculation for some time (with intriguing speculation that Howard Berman, who lost to Brad Sherman in CA, might be under consideration), one key role—albeit not of cabinet level—is missing:

FBI Director.

After all, Robert Mueller is already 2 years beyond his sell by date; Obama extended his term to get past the election (he said). And regardless of rank, the FBI Director is one of the most important figures in the increasingly powerful surveillance state.

And there have been some very troubling names mentioned in discussions to replace him, including NYPD's Ray Kelly, who would really be the second incarnation of J Edgar Hoover's abusive power. There had been speculation that Patrick Fitzgerald wanted the job, but his decision to join Skadden Arps just before the election suggests he knew he wasn't going to get that job.

Particularly given Eric Holder's apparent increasing doubt that he'll stick around, we have the possibility of seeing something worse—all the capitulation we got from Holder in the first term, plus and FBI Director who has none of the claimed measure of Mueller (though I've always had my doubts about those claims).

A new FBI Director (which is guaranteed),

particularly if it came with a new Attorney General, could either set a dramatic new course or harden in the old course. And I fear it is most likely to be the latter.