

ARTICLE I AGHAST THAT ARTICLE III INSISTED ON SEPARATION OF POWERS

It turns out Obama's DOJ has not discovered new respect for accused rights since holding Manssor Arbabsiar and Faisal Shahzad two weeks without seeing a judge or lawyer after all. Rather, the magistrate who signed the complaint Sunday night made the decision on Saturday.

A federal judge made the call to advise the Boston bombing suspect of his Miranda rights, even though investigators apparently still wanted to question him further under a public-safety exception.

[snip]

The judge first told the Justice Department on Saturday she intended to read Mr. Tsarnaev his rights on Monday. One U.S. official said the judge cited the intense television coverage of the capture as one reason for initiating the criminal prosecution.

Kudos to Judge Marianne Bowler for the courage to stand by the law.

Meanwhile, the Members of Congress who learned about this yesterday were outraged Article II didn't tell Article III to fuck off. Mike "Like he was J Edgar Hoover" Rogers even wrote Eric Holder about it (as if Holder had sway over Bowler).

House intelligence committee Chairman Mike Rogers (R., Mich.) said in an interview Thursday that Justice officials should have pushed back on the judge's plans. He wrote to Attorney General Eric Holder late Wednesday to

register his concerns. "What I find shocking is that the judiciary proactively inserted itself into this circumstance and the Justice Department so readily acquiesced to the circumstance," he said. "The court doing this proactively they may have jeopardized our ability to get public-safety information."

[snip]

The revelation came late Wednesday at a briefing before the House intelligence committee. One lawmaker in the meeting asked FBI Deputy Director Sean Joyce why the FBI didn't raise objections, according to another U.S. official.

Mr. Joyce said in essence it wasn't the FBI's role to object to such a determination, the official recounted.

The answer stunned many of the lawmakers in the room. "The whole tenor in the room changed," the official said.

Remember, by the time Bowler read Dzhokhar his rights, multiple government witnesses were leaking publicly that the government was convinced there was no imminent threat, the entire point of the public safety exception. No one was even pretending this was about public safety anymore.

Nevertheless, the House Intelligence Committee is outraged – outraged!! – that a judge did her job.