

The Case for Merrick Garland ... to Lead the FBI

With Democrats insisting they will somehow bring the federal government to a grinding halt because President Donald Trump fired former FBI Director James Comey—despite their demands for weeks that he be fired—some have suggested, jokingly, that nominating Judge Merrick Garland to replace Comey would be poetic justice.

It would certainly quiet the Democrats down for a while.

But, on paper, it's actually not a bad idea. The chief judge of the U.S. Court of Appeals for the District of Columbia has a very impressive resume as a federal prosecutor. And, as The Daily Caller's legal affairs reporter Kevin Daley points out, there are a lot of other reasons, strategically, why it would make sense:

Obvious political advantages would attend Garland's appointment at this precarious moment of Trump's presidency. Senate Democrats joined the previous administration in offering uniformly glowing assessments of Garland's quality and experience. None could now plausibly marshal a convincing case against him, after mounting a year-long campaign to secure him a spot on the nation's highest tribunal.

His appointment would also open a seat on the U.S. Court of Appeals for the D.C. Circuit. Democratic appointees have a 7-4 advantage on the court, widely considered the second most important in the country, as it has jurisdiction over most federal agencies. Trump's allies in conservative legal circles would relish the prospect of another GOP appointee on the panel.

[Click here to read the entire report.](#)

That Garland was widely respected before President Barack Obama turned him into a political punching bag last summer almost goes without saying. In fact, Sen. Mike Lee (R-Utah) is even floating his name as a potential replacement, according to *The Week*, which reported on a tweet the senator made that many saw as a joke.

He wasn't joking, though.

The biggest problem with nominating Garland to replace Comey, however, isn't his pedigree, or his popularity on Capitol Hill. It would be his desire to serve.

Currently, he has a lifetime appointment as a federal judge—the chief judge—on arguably the second-most-important court in the nation. Giving that up for a job where he can be fired at the will of the president—of the seven official directors of the FBI only two (J. Edgar Hoover and Comey's predecessor, Robert Mueller) have fulfilled an entire 10-year term—might not be all that appealing.

But if he were willing, it might be an opportunity the president couldn't pass up. {eoa}