

With ‘Firewall’ Gonzales Out, The Smell of Watergate Is in the Air

by Edward Spannaus

The long-anticipated resignation of Attorney General Alberto Gonzales, delayed as long as possible by the White House, leaves George W. Bush and Dick Cheney in an extremely vulnerable situation, and hastens a Watergate-type showdown, according to knowledgeable Washington sources. President Richard Nixon, it should be recalled, was forced to resign after Articles of Impeachment were approved against him for such offenses as abuse of powers, including illegal wiretapping of his political enemies; obstruction of justice by encouraging subordinates to lie; and refusing to comply with Congressional subpoenas.

Since he was moved from the position of White House Counsel to U.S. Attorney General in early 2005, Alberto Gonzales’s primary function at the Justice Department was to be the “firewall”—the Obstructor General—to protect Vice President Dick Cheney and the White House from Congressional and other investigations. It was his protection of Cheney and others, not just himself, which explains his stonewalling and dissembling on the issues of warrantless wiretapping, torture, secret prisons, and the firing of U.S. Attorneys.

Less public, but potentially more devastating for Cheney, is the Justice Department’s ongoing investigation of the BAE bribery scandal, revolving around Cheney’s favorite Arab, Prince Bandar of Saudi Arabia. Although the probe is now reportedly being conducted as a Foreign Corrupt Practices Act investigation, the danger to Cheney & Co. is its possible expansion into a money-laundering probe, in which the uses of the monies laundered through Riggs Bank in Washington by Prince Bandar become a focus of the investigation. This would lead in some very interesting directions, with implications for unravelling the true story of the 9/11 attacks.

DOJ Inspector General Probes Gonzales’s Lies

A useful roadmap to what Gonzales was covering up, was revealed when the Justice Department’s Inspector General confirmed on Aug. 30 that he is indeed investigating whether Gonzales made “intentionally false, misleading, or inappropriate” statements in Congressional testimony. Inspector General Glenn Fine’s letter to Senate Judiciary Committee chairman Patrick Leahy (D-Vt.) identified three subject areas in which his office has ongoing investigations:

- the so-called terrorist surveillance program (warrantless wiretapping);
- the use of National Security Letters (to obtain financial or other data without a court-issued subpoena or warrant); and
- the removal of certain U.S. Attorneys and improper hiring practices.

In his Aug. 16 letter to Inspector General Fine, the letter to which Fine was responding, Leahy had asked for an investigation of five specific statements made by Gonzales:

- Gonzales’s testimony that the Congressional and Intelligence Committee leadership (“Gang of Eight”) had told him to go ahead with the warrantless surveillance program, despite the finding of the Acting Attorney General James Comey that the program was without legal basis. At least three members of Congress dispute that testimony.
- Gonzales’s testimony that neither Comey nor other officials had concerns about the Terrorist Surveillance Program. Numerous officials, including the members of the “Gang of Eight” and FBI Director Robert Mueller, have disputed that testimony.
- Gonzales’s testimony regarding National Security Letters and other information-gathering techniques, that “there has not been one verified case of civil liberties abuse.” Documents subsequently obtained under the Freedom of Information Act indicated he had received numerous reports of violations in 2005 and 2006.
- Gonzales’s testimony that he had not been involved in deliberations as to which U.S. Attorneys should be fired. Documents and testimony subsequently obtained by the Senate Judiciary Committee show that he attended at least one meeting in which the firings were approved.
- Gonzales’s testimony that he had not talked to any witnesses about the U.S. Attorney firings. Former Justice Department liaison to the White House, Monica Goodling, testified that Gonzales had a discussion with her, in which he laid out his version of the events.

The point is not that Gonzales is protecting himself; he is protecting the White House. The first three matters raised by Leahy involve electronic surveillance and data-collection, in programs directly overseen by Dick Cheney. The latter two regard the firing of Federal prosecutors, which was apparently

directed by the White House political machine centered on Karl Rove.

Congress Must Escalate

Key Congressional leaders, particularly in the Senate and House Judiciary Committees, have indicated that Gonzales's departure will not mean any let-up in their investigations. Senator Leahy, for example, has pointed out that his committee has former Administration officials under subpoena, such as Karl Rove and Harriet Miers, who still face contempt charges if they do not appear.

Among pending Congressional investigations, in addition to National Security Agency warrantless wiretapping, and the U.S. Attorney firings, are:

- Extraordinary Renditions and Secret Prisons: Rep. Bill Delahunt (D-Mass.) is pursuing this within a House International Affairs subcommittee, and it has also been taken up by the Senate Foreign Relations Committee.
- The "Niger Yellowcake" fabrication used to justify the launching of the Iraq War: House Oversight and Government Reform Committee chairman Rep. Henry Waxman (D-Calif.) has a hearing pending and has subpoenaed Secretary of State Condoleezza Rice.
- Fraudulent defense contracting and outsourcing, regarding Cheney's Halliburton/KBR and others: ongoing probes in Waxman's committee and elsewhere.

Top on Congress's agenda, after addressing the financial-economy emergency by passing LaRouche's Homeowners and Bank Protection Act, should be reversing its shameful capitulation in passing the so-called "Protect America Act" on Aug. 5, which gutted the Foreign Intelligence Surveillance Act (FISA) and handed Cheney and the Administration vast new powers to conduct warrantless wiretapping of Americans. This must also include getting to the bottom of the wiretapping and data-mining scandal. Although Congressional Democrats had vowed not to pass any new FISA legislation until the Administration stopped its stonewalling and provided full disclosure of what the old program was, the Democratic-controlled Congress gave in to Cheney-orchestrated arm-twisting to pass the wiretap bill before leaving for its August recess.

Caroline Frederickson, the legislative director of the American Civil Liberties Union's Washington office, points out that although Senate Majority Leader Harry Reid and House Speaker Nancy Pelosi voted against the FISA bill, it could not have passed without the complicity of the Democratic leadership, because the Democrats control the agenda and which bills come to the floor for a vote.

Frederickson was speaking at a forum on FISA, sponsored by the Center for American Progress in Washington, which shed some light on the bill and the process leading to its last-minute passage. At this same event, Kate Martin of the Center for National Security Studies said that the purpose of the surveillance authorized under the new bill is to find people

inside the United States who are suspected of talking to foreigners abroad, and then to target them for surveillance outside of any Fourth Amendment warrant requirements or court oversight.

As we have previously reported (*EIR*, Aug. 17), the new law permits the government to monitor Americans' calls and e-mails, without a warrant, so long as there is some claimed connection to a person "reasonably believed to be located outside the United States." The person overseas doesn't have to be suspected of any involvement in terrorism; a purpose of the interception simply need be "to obtain foreign intelligence information."

This comes very close to establishing in law, what Dick Cheney and his lawyer David Addington argued for immediately after 9/11: that the NSA should be able to intercept purely domestic phone calls and e-mails. By a number of accounts, they succeeded in getting something like that, in addition to obtaining NSA access to the entire stream of telephone and Internet communications that flowed through key telecommunications hubs.

The Director of National Intelligence, Mike McConnell, acknowledged as much in an Aug. 22 interview with the *El Paso Times*, when he stated that "the private sector had assisted us" in obtaining telecommunications data, without a court-issued warrant, under the so-called terrorist surveillance program.

Data Mining

Many knowledgeable observers believe that this vast stream of telecommunications is being used for data-mining. Two common forms of this are "link analysis" (who's connected to whom through phone calls, e-mails, and so on) and "pattern analysis," which looks at patterns and changes of activities.

Although it is not known precisely what triggered the revolt in the Justice Department in early 2004, which led to the confrontation in then-Attorney General Ashcroft's hospital room, and the threat of the top leadership of the Justice Department to resign, it is likely that it involved a combination of these two programs: warrantless wiretapping of Americans, and a broad program of "mining" data concerning many millions of Americans.

In response to a question on this, posed by *EIR* at the Center for American Progress forum, Kate Martin said she believes it is quite possible that the government was listening to American-to-American communications without a warrant. She pointed out that FISA regulates both the content of a call, and the "meta-data"—information on who's calling whom, when, the duration of the call, and so on. "My concern is that the bill does allow them to get meta-data on virtually all international communications by Americans," Martin said, "and then they do traffic analysis on that, they construct a map that shows your communications with other people.... Those are all questions that the Congress needs to ask this Administration."