

Gonzales Unfit for Attorney General Post

by Edward Spannaus

“One Himmler was enough,” said former Democratic Presidential pre-candidate Lyndon LaRouche, in calling for the nomination of Alberto Gonzales to replace John Ashcroft as Attorney General of the United States, to be blocked by the U.S. Senate.

Gonzales is a former corporate lawyer from Houston who has no law enforcement experience. He is currently serving as Counsel to the President, and he has all kinds of conflicts of interest, such as his law firm’s representation of Enron and Dick Cheney’s Halliburton. He will face further conflicts of interest in the Justice Department’s grand jury investigation of the Valerie Plame leak, in that he handled the White House’s lackadaisical response to the illegal leak, and was responsible for providing White House documents to the Justice Department. The Plame investigation is also focussing on Cheney’s office as the source of the politically motivated disclosure of Plame’s identity as a covert CIA operative.

Vote Suppression

But the first thing that Gonzales should be asked, is whether he will enforce the 1965 Voting Rights Act.

Although the Department of Justice is charged with enforcing the Voting Rights Act and other civil rights laws, through both civil actions and criminal prosecutions, Ashcroft has packed the Department’s Civil Rights Division and its Voting Section with right-wingers, and has virtually stopped enforcement of voting rights. Instead, Ashcroft has shifted the focus from voting access to “voting integrity”—a Republican code word for vote suppression, under the guise of ferretting out “vote fraud.”

Therefore, the first question for Gonzales ought to be: Will you resume enforcing the Voting Rights Act, and vigorously prosecute those who are trying to disenfranchise minority voters—rather than aiding and abetting them, as John Ashcroft has done?

As Counsel to the President, Gonzales was in the middle of the development of the Bush Administration policies that gave rise to the prison torture scandals at Abu Ghraib and Guantanamo. Gonzales was by no means the originator of these policies, but embraced the policies developed by Cheney and Cheney’s lawyer David Addington, and packaged

them for the President. He then enthusiastically promoted the Cheney policies.

As we have previously documented, Gonzales submitted a “Memorandum to the President” on Jan. 25, 2002, drafted by Addington, which urged the President to declare that the Geneva Convention did not apply to Taliban or al-Qaeda prisoners; the memo called various provisions of the Geneva Convention on prisoners of war, “obsolete” and “quaint.”

Gonzales warned the President that top Administration officials might be liable to prosecution for war crimes as a consequence of the U.S. treatment of detainees in Afghanistan, and he calculated that Bush’s issuance of a directive declaring that the Geneva Convention does not apply, “substantially reduces the threat of domestic criminal prosecution under the War Crimes Act.”

Gonzales was clearly not worried about the current Justice Department under Ashcroft (or under himself), but alarmed about what might happen under a future administration, warning, “It is difficult to predict the motives of prosecutors and independent counsels who may in the future decide to pursue unwarranted charges.” Therefore, he surmised, a determination by Bush that the Geneva Convention does not apply “would provide a solid defense to any future prosecution.”

‘Mild Torture Is Okay’

The most infamous of “torture memos” is the Aug. 1, 2002 memorandum to Gonzales from the Justice Department’s Office of Legal Counsel (OLC), entitled: “Standards of Conduct for Interrogations, under the Convention Against Torture and the U.S. Anti-Torture Act.”

What is less well known is that this memorandum was written specifically *at the request of* Gonzales, and it addresses Gonzales as follows: “You have requested the views of our Office concerning the legality, under international law, of interrogation methods to be used in the current war on terrorism.”

The OLC memo was reportedly sent directly to Gonzales at the White House, without consultation with either the State Department or the Joint Chiefs of Staff and Joint Staff legal experts. It is well known that most military lawyers were adamantly opposed to the policies coming from the White House and the Pentagon civilians. The OLC memo provides the most lenient interpretation conceivable, of the anti-torture treaty and laws, and it concludes that “for an act to constitute torture as defined in [the Anti-Torture Act], it must inflict pain that is difficult to endure,” explaining: “Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of body function, or even death.”

As if sending Gonzales to the Justice Department isn’t bad enough, it is widely believed that a tour as Attorney General is intended to “launder” Gonzales for a future appointment to the U.S. Supreme Court.