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## Doubts about Gonzales

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BY NOMINATING White House counsel Alberto Gonzales to be US attorney general, President Bush has made it more likely that the Senate will finally scrutinize the policies that lay behind the abuse of Afghan and Iraqi prisoners at Guantanamo and Abu Ghraib. In early 2002, Gonzales wrote that Geneva Convention protections for Afghan detainees were "obsolete," which helped set the stage for prisoner treatment that the International Red Cross has called "tantamount to torture." The Geneva Conventions are US as well as international law, and Gonzales's dismissal of them raises doubts about his fitness as attorney general.

Gonzales wrote his memo at a crucial moment in the formation of Bush administration policy toward detainees. Two Justice Department lawyers had written a 48-page paper that not only denied prisoner of war status and protections to Afghan war detainees but failed to offer them the hearing required under the Geneva Conventions to seek POW status. The State Department dissented from that view in a document that has been withheld from the Senate and the public. Gonzales took the Justice Department's position, telling Bush he thought it was "definitive."

To weigh the nominee's role in administration policymaking, senators should insist on release of that State Department document as well as several others that could shed light on how and why the administration chose policies that led to the death and torture of detainees and damaged the international reputation of the United States. Judiciary Committee members should also quiz Gonzales on his role in supervising a task force that decided that neither an international treaty nor US law kept Bush from authorizing torture if he thought it necessary to protect the nation.

Yesterday, a dozen retired US generals and admirals expressed their concern about Gonzales's opinions on torture and the Geneva Convention limits on prisoner interrogation. Military officers worry about US departures from international norms because they undermine protections that US soldiers need when they are captured.

A likely explanation for Gonzales's view that the Geneva Conventions are obsolete is that he believed it is what Bush wanted to hear. At a point when Bush needed wise counsel he got toadying loyalty instead. This may also be behind the shoddy review Gonzales did of Bush's thoroughly unsuited nominee for secretary of homeland security, Bernard Kerik. Gonzales appears to have done as little homework on Kerik as he did on the capital punishment clemency appeals he dispatched for Bush when he was governor of Texas.

Bush did not get good advice on prisoner treatment issues or civil liberties from the Justice Department led by John Ashcroft. Based on Gonzales's record, he will do little better. Unless he can allay these concerns, the Senate should reject his nomination.