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Gonzales hearings could become ugly

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Attorney General-designate Alberto Gonzales' confirmation, which seemed assured in November, has evolved into a potential brawl, with a host of liberal groups trying to turn pending hearings into a referendum on suspected abuses of U.S. military detainees.

President Bush nominated Mr. Gonzales, White House counsel, on Nov. 10 to succeed Attorney General John Ashcroft, saying his "sharp intellect and sound judgment" had helped shape the nation's war on terror "to protect the security of all Americans, while protecting the rights of all Americans."

Although a number of Republicans and Democrats endorsed the nomination, more than two dozen civil rights and human rights groups have raised what they call "serious concerns" and are challenging the Senate Judiciary Committee to scrutinize Mr. Gonzales' "record, his positions and his future plans for the Justice Department."

Their concern focuses on a January 2002 legal opinion written by the White House counsel's office suggesting that Mr. Bush was not restricted by prohibitions on torture of prisoners as defined by U.S. law and international treaties owing to the commander in chief's "complete authority over the conduct of war."

"The war against terrorism is a new kind of war, a new paradigm that renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions," the memo said.

Nine U.S.-based human rights organizations have asked the committee to "explore in detail" the role that Mr. Gonzales played in White House decisions concerning the detention and interrogation of the prisoners. The groups, led by Amnesty International USA, Human Rights First, Global Rights and the Human Rights Watch, said the public record suggests that Mr. Gonzales was "an architect of policies that undercut some of America's most fundamental moral and legal principles."

This is the first time that the human rights groups collectively have expressed concern about one of Mr. Bush's Cabinet-level appointments.

The Leadership Conference on Civil Rights, in a letter to Judiciary Committee Chairman Orrin G. Hatch, Utah Republican, and the panel's ranking Democrat, Sen. Patrick J. Leahy of Vermont, also wants the committee to determine Mr. Gonzales' "suitability" to head the Justice Department.

The People For the American Way (PFAW), which helped organize more than 200 groups to oppose Mr. Ashcroft's 2000 nomination, issued a similar challenge, and the American Civil Liberties Union (ACLU), although it was taking "no official position" on the nomination, called for a thorough Senate confirmation process that scrutinizes his positions on key civil liberties and human rights issues.

"Alberto Gonzales' role in the development of policies that ultimately led to the Abu Ghraib prison scandals in Iraq is deeply troubling," PFAW President Ralph G. Neas said. "Few images have done more to scar our nation's image at home and abroad than the terrible pictures of prisoners being abused in Iraq."

The Center for American Progress, a liberal Washington think tank, said the White House memo condoned the use of torture, sought to evade U.S. obligations under the Geneva Conventions and disregarded the constitutional rights of detainees. It said Secretary of State Colin L. Powell "strongly warned" against failing to apply the Geneva Conventions, as did lawyers from the Judge Advocate General's Corps.

The center, created by Clinton administration official John Podesta, who now serves as its president and chief executive officer, said Mr. Gonzales "contributed to a climate that has placed U.S. soldiers at greater risk and brought the American system of justice into disrepute."

The National Lawyers Guild also accused Mr. Gonzales of being "unfit to serve as the head of the Justice Department" and called on Democrats to filibuster, if necessary, to block the nomination.

Last week, Mr. Leahy said Mr. Gonzales will have to explain his White House role in developing policies for the treatment of military prisoners. He said the "scandal" at Abu Ghraib and other accusations of mistreatment in Guantanamo Bay, Iraq and Afghanistan were "serious matters with lingering questions and unresolved accountability."

Mr. Leahy said he met with Mr. Gonzales last month and that questions should be asked to discover who set into motion a process at Abu Ghraib and elsewhere that "rolled forward until it produced this scandal."