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Why is this man attorney general?

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February 7, 2005
Washington Times

By a 10-8 party-line vote on Jan. 26, the Senate Judiciary Committee confirmed Alberto Gonzales to be the attorney general of the United States -- a nation whose commitment to liberty, based on the rule of law, will, the president hopes, help freedom spread through more of the world. Mr. Gonzales was confirmed by the full Senate last week. But the record of Mr. Gonzales shows to the world that he does not embody the rule of law.

Two days before the vote, retired Maj. Gen. Melvyn Montano, a Vietnam veteran and the first Hispanic Air National Guard officer to be appointed an adjutant general, said: "I respect Judge Gonzales' inspiring personal story. But I reject the notion that Hispanics should loyally support the nomination of a man who sat quietly by while administration officials discussed using torture against people in American custody, simply because he is one of our own." On the day of the committee vote, Sen. Ted Kennedy, speaking out against Judge Gonzales' nomination, said: "We have a torture problem. The FBI says so. The Red Cross says so. The Defense Intelligence Agency says so. Additional allegations of abuse are being reported on a daily basis. Yet Mr. Gonzales can't remember any details of how it happened."

Mr. Kennedy added that Judge Gonzales refused to provide the documents on the torture memoranda he orchestrate counsel to the president -- documents used to justify what became extreme interrogation techniques, including torture, of detainees in Iraq, Afghanistan, Guantanamo Bay and conceivably at secret CIA interrogation centers in various parts of the world.

Moreover, Judge Gonzales has refused to supply Congress with the documents involving a March 19, 2004, memorandum, written at his request, allowing the CIA to ship certain hidden detainees out of Iraq in direct violation of Article 49 of the Geneva Convention, which states: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power at of any other country, occupied or not, are prohibited, regardless of their motive." This evasion of international law is embedded in the administration's approval of the CIA's "extraordinary renditions" of prisoners to countries known for torturing their own prisoners. These "ghost prisoners" of the CIA are forbidden visits from the Red Cross, and conditions of their treatment are held in resolute secrecy.

When the covert removal of 100 or more detainees from Abu Ghraib became known, Sen. John McCain said: "The situation with the CIA ghost soldiers is beginning to look like a bad movie... This needs to be cleared up rather badly." Alberto Gonzales has shown no inclination to clear it up.

As White House counsel, Mr. Gonzales amazingly advised the president that he could imprison American citizens indefinitely as enemy combatants without charges or access to lawyers. The Supreme Court ruled that the president could not.

In a Jan. 12 letter to Senate Judiciary Committee Chairman Arlen Specter, nine Latino/Hispanic law professors from the university law schools of Stanford, UCLA, Pittsburgh and other campuses said that the Judiciary Committee hearings "reminded Americans that Mr. Gonzales is living the American dream.... (But) what Mr. Gonzales has yet to prove is that he meets the most crucial requirement for an Attorney General: a commitment to upholding the law."

On the Judiciary Committee, Sen. Russell Feingold made the same point, adding that "time after time, Judge Gonzales has been a key participant in developing secret legal theories to justify policies that, as they have become public, have tarnished our nation's international reputation"

Of the Republican senators on the committee who voted for Judge Gonzales, the most disappointing for me was Sen. Sam Brownback of Kansas, a persistent champion of human rights around the world, very much including Sudan where he has traveled. But Mr. Brownback ignored Judge Gonzales' involvement in the torture memoranda and in the legal black hole of "ghost prisoners." Mr. Brownback, is party loyalty that important?

Before the floor vote that would have made Judge Gonzales our attorney general, Jonathan Schell of the Nation Institute wrote, in an attempt to reach the senators: "Torture destroys the soul of the torturer even as it destroys the body of his victim. The boundary between humane treatment of prisoners and torture is perhaps the clearest boundary in existence between civilization and barbarism.

"Whether the elected representatives of the people of the United States are now ready to cross that line is the deepest question before the Senate as it votes on the nomination of Alberto Gonzales." In the final vote on the floor, did those senators who crossed the line remember the president saying on Inauguration Day: "From the day of our Founding, we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and earth."