Taking stock

by The San Diego Union-Tribune

For five months now, Attorney General Alberto Gonzales has been pummeled with one disturbing account after another of a dysfunctional Justice Department under his leadership. Yet, with President Bush's obdurate backing, Gonzales refuses to acknowledge his profound mistakes, much less step aside for the good of the Justice Department.

At what point will the attorney general, if not the president, take stock of the enduring damage Gonzales has inflicted, and put the country's welfare ahead of personal aspiration?

With no sign of serious reflection by either Gonzales or Bush, we'll take stock ourselves:

Deputy Attorney General James Comey's dramatic testimony this week to the Senate Judiciary Committee is only the latest revelation of Gonzales' disdain for the rule of law he is sworn to uphold.

Comey recounted Gonzales' unannounced nighttime visit to the intensive care unit of a Washington hospital, where then-Attorney General John Ashcroft had just undergone emergency surgery. The purpose of the unusual visit by Gonzales, then the president's chief counsel, and then-White House Chief of Staff Andrew Card was to pressure the debilitated Ashcroft into giving his approval to a domestic surveillance operation that the Justice Department had concluded was being conducted outside of the president's legal authority. "I was angry. I thought I had just witnessed an effort to take advantage of a very sick man," Comey told the committee.

To his credit, Ashcroft refused to acquiesce in the illegal eavesdropping program, and the president was forced to modify it after the attorney general, FBI Director Robert Mueller and other Justice Department officials threatened to resign. Where was Gonzales in this confrontation? Adamantly on the side of continuing the illegitimate spying initiative, the law be damned.

The White House, with customary brass, sought to brush aside - but not dispute - Comey's remarkable disclosures. In truth, however, his testimony was another blunt blow to Gonzales' credibility. Republican Sen. Chuck Hagel of Nebraska was only speaking the truth Wednesday when he declared that the attorney general "has lost the moral authority to lead."

Comey's testimony was delivered a day after Gonzales' top deputy, Paul McNulty, faced up to reality and announced his resignation. McNulty was brought down by the politically motivated dismissals of eight U.S. attorneys, including Carol Lam in San Diego. McNulty earlier gave erroneous testimony to Congress, due to the fact that he was not aware of White House political adviser Karl Rove's heavy hand in the firings.

McNulty's departure, which follows those of other senior aides to Gonzales, leaves the Justice Department in utter disarray. "It's hard to see how the Department of Justice can function and perform its important duties with Mr. Gonzales remaining where he is," says Republican Sen. Arlen Specter of Pennsylvania.

Apparently George Bush and Alberto Gonzales alone can see how the Justice Department can recover its credibility without a new attorney general.

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