

No lies in wiretap controversy with "linguistic parsing"™?

by the St. Louis Post-Dispatch

Nine years ago, Whitewater Special Prosecutor Kenneth Starr coined a polite phrase to suggest President Bill Clinton was lying when he denied having had "sexual relations" with Monica Lewinsky: "The President's linguistic parsing is unreasonable."

Last week, a Justice Department official trotted out "linguistic parsing" to explain why Attorney General Alberto Gonzales hadn't been lying when he testified under oath on two different occasions before congressional committees about the administration's controversial warrantless wiretap program.

On one occasion, Gonzales testified that there was no serious disagreement within the administration about the Terrorist Surveillance Program being conducted by the National Security Agency. And just last week, he claimed that the subject of a special meeting with congressional leaders was not the TSP but, rather, different undisclosed intelligence activities.

However, others with direct knowledge of the matter - including the director of the FBI, a former deputy attorney general, the former National Intelligence Director, the former head of the NSA (who now is the CIA director) and members of Congress - all say that the TSP was the subject of the congressional meeting and that it also was at the heart of a serious dispute within the administration. So has the attorney general lied under oath to Congress?

No, said one unnamed Justice Department official, handed the thankless job of cleaning up after Gonzales. It's merely a case of clumsy linguistic parsing.

Yes, said four Democratic senators, who Thursday asked the Justice Department's solicitor general to appoint a special prosecutor to investigate whether the attorney general committed perjury.

Maybe, said Senate Judiciary Committee Chairman Patrick Leahy, D-Vt., who offered Gonzales a week to clarify or amend his sworn testimony.

Afterward, White House spokesman Tony Snow reiterated that President George W. Bush "maintains full confidence in the attorney general," a loyal soldier since Bush's days as governor of Texas.

Loyalty is a splendid virtue, but Gonzales' repeated stumbling and dissembling has badly damaged the Justice Department. The latest incident - Gonzales being contradicted by other high administration officials -

may be unprecedented.

Gonzales' claim in February 2006 that "there has not been any serious disagreement [within the administration] about the program that the president has confirmed" first was disputed in May. Former Deputy Attorney General James Comey told the Senate Judiciary Committee that in March 2004, he had raced to the hospital where then-Attorney General John Ashcroft was recovering from surgery.

There, Comey intercepted Gonzales, then the president's White House counsel, as he tried to persuade the groggy Ashcroft to approve the surveillance program. Ashcroft, Comey and FBI Director Robert Mueller, who soon joined Comey at the hospital, already had concluded that they could not certify the program's legality. All three - and several other senior Justice Department officials - had decided to resign if the program went forward without their approval.

In testimony before the House Judiciary Committee, Mueller confirmed Comey's account.

Gonzales, however, previously told the Senate Judiciary Committee that a March 10, 2004, meeting with intelligence officials and members of Congress had been about "other intelligence activities," not the TSP. Others who attended the meeting, including former National Intelligence Director John Negroponte and CIA Director Michael Hayden, have said otherwise.

Gonzales seems to think that by drawing a distinction between the "surveillance program that the president confirmed" and "other intelligence activities," he is tiptoeing on the side of truth.

President Clinton tried to split linguistic hairs to hide a personal failure. Gonzales' evasions involve matters of constitutional responsibility and the abuse of executive authority. His continued service insults Americans' intelligence.

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