

Gonzales lessons

by The San Diego Union-Tribune

Historians will judge departing Attorney General Alberto Gonzales sternly, for the singular reason that he put his loyalty to President George W. Bush above his duty to defend the Constitution. In the process, he subverted the vital American tradition of the attorney general standing above politics and administering justice without favor.

Bush certainly is not the first chief executive to appoint a close friend to oversee the Justice Department. But in Gonzales the White House got an attorney general who was subservient to Bush's every conceit - whether it was concocting a legal rationale to violate international protections for prisoners of war or trampling on the Constitution through warrantless surveillance of Americans' phone conversations.

Gonzales was a Bush protege of long standing. He owed every public position he ever held to Bush, from the Texas Supreme Court to White House counsel to U.S. attorney general. At critical moments, he unfailingly tied the law into knots to suit the president's desires. Indeed, Gonzales was a champion of limitless executive authority, the dangerous view that if the commander in chief chooses to do something - anything - the Constitution empowers him to do so.

Accordingly, one of Gonzales' first acts as attorney general was to declare to Congress that Bush had the authority to eavesdrop on Americans without warrants or judicial oversight. Gonzales' audacious assertion was made only after The New York Times revealed details of the administration's secret spying program. The attorney general's sweeping affront to the Fourth Amendment protection against unreasonable searches and seizures was so untenable that the administration itself ultimately abandoned it.

Even hard-liner John Ashcroft, who held the attorney general's post before Gonzales, rejected from his hospital bed Gonzales' late-night attempt to coerce him into approving a constitutionally dubious surveillance operation. At the time, Gonzales was serving as White House counsel. Later, as attorney general, he denied under oath that he pressured the ailing Ashcroft. But FBI Director Robert Mueller and former Deputy Attorney General James Comey directly contradicted Gonzales' testimony. This was only one of many occasions when the attorney general's truthfulness came into question.

Clearly, the conflicting versions Gonzales offered of his firing of eight U.S. attorneys did little to bolster his credibility. In the end, it was clear that the attorney general blithely went along with White House adviser Karl Rove's desire to create openings for GOP political cronies, regardless of the performance of the U.S. attorneys who were removed.

Gonzales is a historic example of cronyism at its worst. We urge President Bush to find a replacement who will put the Constitution ahead of political or personal loyalty.

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