

# Demands mount for Gonzales's resignation over US attorneys purge

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Mounting revelations concerning the political purge of eight US attorneys have led to demands by Democratic politicians and the editorial boards of a number of major American dailies for the resignation of US Attorney General Alberto Gonzales.

And on Wednesday, the first leading Republican politician, Senator John Sununu of New Hampshire, joined in the call for Gonzales's ouster, declaring, "I think the attorney general should be fired."

Speaking to the media Wednesday, Gonzales and President George W. Bush both acknowledged "mistakes were made" in the unprecedented mass firing of federal prosecutors, and that the presentation of the matter to the US Congress "was mishandled." Both denied, however, that the purge was politically motivated and insisted that the decisions were justified.

The passive voice used in all of these acknowledgements echo, virtually word-for-word, statements made by past presidents and top officials in previous crises, ranging from Watergate to Iran-contra.

Documents that have emerged in the case, however, indicate that this second line of defense is as false as the claims made earlier by the administration that the White House and Bush's top political adviser Karl Rove had had nothing to do with the dismissals.

They also make it clear that Gonzales and other top Justice Department officials have repeatedly perjured themselves over the course of several months in their testimony to Congress on the firings.

Speaking at a press conference in Mexico, where his weeklong "goodwill" tour of Latin America has become bogged down in the Washington scandal, Bush implausibly presented the controversy as merely a matter of "miscommunication" between his administration and Congress.

Equally implausibly, Bush claimed that, while he discussed the matter of replacing federal prosecutors with Gonzales, "I never brought up a specific case or gave him specific instructions."

In reality, the firing of the federal prosecutors and the subsequent attempt at covering up the political motives involved are part and parcel of the Bush administration's attempt to erect the structure of a presidential dictatorship, subordinating all legal and constitutional matters to its own political aims and assuming ever more sweeping police state powers.

It is also worth noting that precisely such a "miscommunication" about White House political interference at the Justice Department has led in the past to the criminal prosecution and conviction of an attorney general. Richard Kleindienst, who took the helm at the Justice Department in 1972, just days before the Watergate break-in that led to the unraveling of the Nixon administration, was convicted two years later on charges that he had failed to tell the Senate that Nixon had ordered him to drop an antitrust suit against International

Telephone and Telegraph Co., a case subsequently settled out of court.

The documents that the administration was compelled to turn over to the Senate and House Judiciary committees Tuesday included 150 pages of emails documenting a detailed discussion between the White House and the US attorney general's office in the period following the inauguration of Bush's second term.

As these emails make clear, it was Bush's White House counsel—and abortive nominee for Supreme Court justice—Harriet Miers who in February 2005 initially came up with a plan for a clean sweep of all 93 US attorneys, to be replaced with new political appointees, including loyalists who had worked in the 2004 election campaign.

This startling proposal was rejected by Rove and others as too disruptive, and plans were hatched for a more selective purge.

As part of this effort, Gonzales's chief of staff, D. Kyle Sampson (who like the attorney general had worked previously in the White House counsel's office), prepared a list, dividing federal prosecutors nationwide between "strong US attorneys who have...exhibited loyalty to the president and attorney general" and "weak" ones, who had "chafed against administration initiatives."

Sampson was forced to resign his position on Monday—but reportedly remains employed by the Justice Department.

In some cases, the emails indicated that the fired prosecutors were targeted for failing to pursue cases promoted by the administration with the aim of currying favor with its right-wing and Christian fundamentalist base by going after "hot-button" issues.

An email sent by a White House deputy counsel to Sampson, for example, criticized two US attorneys, Paul Charleston in Arizona and Daniel Bogden in Nevada, for being "unwilling to take good cases we have presented them" on pornography.

In another case, as the emails revealed, White House deputy political director J. Scott Jennings contacted the Justice Department about having Tim Griffin, a former associate of Rove, appointed as US attorney in Little Rock, Arkansas, replacing one of the prosecutors to be ousted.

David Iglesias, the former Navy lawyer who was a role model for the relentless military defense attorney played by Tom Cruise in the film *A Few Good Men*, was apparently fired for failing to pursue a politically motivated vendetta against Democratic politicians.

Iglesias, who had been a top-rated prosecutor and was initially included among Sampson's "strong" US attorneys, was targeted after New Mexico's Republican Senator Peter Domenici and other New Mexico Republican Party leaders complained bitterly to the White House.

Domenici had pressured the prosecutor to expedite an investigation

of alleged corruption involving state Democrats in order to provide political ammunition for the November 2004 election. When Iglesias failed to carry out the proposed political hatchet job, Domenici went to the White House.

Among the most incriminating cases is that involving federal prosecutor Carol Lam in San Diego, who like the other seven had been given excellent performance rating before being targeted for the purge. Among the documents turned over to the Senate committee was a May 11, 2006, email to the White House from Sampson referring to the “real problem we have now with Carol Lam,” which he said should be countered by getting “someone ready to be nominated on 11/18, the day her 4-year term expires.”

The “real problem” that the administration had with Lam was her successful prosecution of Republican Congressman Randy Cunningham of California, who was convicted and jailed for accepting \$2.4 million in bribes, and the expansion of her investigation to cover a second Republican congressman—which the *Los Angeles Times* reported on the same day as Sampson’s email.

A subsequent email suggested that Lam should be “woodshedded” for failing to pursue aggressive “immigration enforcement.”

In the end, one of the US attorneys was forced out last summer, and seven more were purged on December 7.

Apologists for the administration have attempted to deflect the mounting uproar over the firings by claiming that such replacements are normal, pointing to the Clinton administration’s removal of all 93 US attorneys when he came into office.

While such wholesale replacements at the outset of a new administration are indeed normal, the selective firing of a group of US attorneys in the middle of a presidency is without precedent, and calls into question the independence of these prosecutors and their ability to carry out the impartial enforcement of the law.

Indeed, according to a study released recently by the Congressional Research Service, only eight US attorneys had been fired for cause since 1981. Some of these cases involved criminal activity, including perjury, a prosecutor who throttled a TV reporter and another who bit a topless dancer.

Whether Gonzales will be forced out is now an open question that is clearly being debated within the Bush administration itself.

The *New York Times* on Wednesday cited two unnamed Republicans close to the administration as reporting that top Bush aides, including White House counsel Fred Fielding—a veteran of the Watergate crisis—are “concerned that the controversy had so damaged Mr. Gonzales’s credibility that he would be unable to advance the White House agenda on national security matters, including terrorism prosecutions.”

In addition, Bush’s top political aides, Karl Rove and Joshua Bolten, were described as “increasingly concerned that the controversy could damage Bush.”

Undoubtedly, the debate within the White House is whether gains from jettisoning Gonzales would be offset by the perception that a president forced to dismiss one of his closest confidantes has been seriously weakened. Appointed attorney general at the outset of Bush’s second term, Gonzales had served as his counsel both in the first four years of his administration and, before that, when he was governor of Texas.

There must also be a concern that casting aside someone who has been so intimately involved in the criminal activities of the administration—from torture to illegal detentions—could present serious dangers.

Of course, the bigger question in the purge of US attorneys is, why only eight? Presumably, if this relative handful of prosecutors was selected for firing, it is because the other 85 were doing the job that the Bush administration demanded—using the Justice Department as a kind of political police, dedicated to punishing the perceived enemies of the White House and protecting its friends.

Of equal significance is the administration’s invocation of a provision in the USA Patriot Act, passed and reauthorized with overwhelming bipartisan support, granting it power to fire and replace US attorneys with “interim” prosecutors for an indefinite period, without Senate approval. The provision, supposedly designed as part of the “war on terror,” was introduced entirely as a means of arrogating unfettered power by the administration.

Among the emails released to the Senate panel was another from Gonzales’s chief of staff to then-White House counsel Miers “strongly recommend[ing]” use of the Patriot Act provision. “If we don’t ever exercise it, then what’s the point of having it?” he wrote.

Leading Senate Democrats have seized on the revelations over the firings and Gonzales’s role to issue demands for his resignation and to denounce the administration. These same politicians, it should be recalled, took the deliberate decision two years ago to not block his nomination as attorney general with a filibuster. This was despite the fact that, as White House counsel, Gonzales had directed the issuance of legal memos justifying the use of torture and the tossing out of the Geneva Convention in dealing with prisoners taken in the US “global war on terror.”

To some extent, congressional Democrats have welcomed the chance to pillory Gonzales now as a means of diverting attention from the party’s open complicity with the Bush administration on the Iraq war.

What Gonzales’s Democratic critics fail to explain, however, is that the criminality exposed in the purge at the Justice Department and the criminality of the war itself are of a piece. They are both manifestations of an administration and a political establishment committed to the use of extra-constitutional powers, government secrecy and outright political repression and violence to defend the interests of America’s ruling financial aristocracy both at home and abroad.



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