US Attorney General Alberto Gonzales resigns

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US Attorney General Alberto Gonzales, who has been closely associated with the anti-democratic measures introduced by the Bush administration, announced his resignation on Monday.

The resignation is one more sign of a crisis of the Bush administration, which has seen many of its leading figures depart—including former top Bush aide Karl Rove earlier this month. At the same time, the move is an attempt to reach a more secure, bipartisan basis for the continued attack on democratic rights in the US.

On Monday morning Gonzales issued a very brief statement without taking any questions from the media. He said that he would be stepping down effective September 17.

In a statement later in the day, Bush denounced critics of Gonzales, saying he had been subject to "months of unfair treatment" and that Gonzales's "good name was dragged through the mud for political reasons."

Leading Democrats responded by indicating their willingness to work with the administration and their hope that an accommodation could be reached. Most explicit among the statements was that of Senator Charles Schumer, a Democratic member of the Senate Judiciary Committee, who "implored" the White House to "work with" the Democrats. "Don't choose the path of confrontation.... We are willing to meet you in the middle of the road" in approving a new attorney general, he said.

The successive resignations of major administration figures comes amidst mounting public opposition to the war in Iraq and plummeting support for the president. The crisis of the Iraq occupation has generated deep divisions within the ruling establishment. Gonzales was the last of the Bush advisers who trace their origins to Bush's tenure as Texas governor. In addition to Rove, Andrew Card resigned as White House chief of staff in April 2006 and former assistant and White House counsel Harriet Miers resigned in January 2007.

At the top of the list of names being floated as possible replacements for attorney general is the current chief of the Department of Homeland Security, Michael Chertoff. Other names include former deputy attorney general Larry Thompson and former solicitor general and prominent Republican operative, Theodore Olson. The current solicitor general, Paul Clement, will serve as acting attorney general until a replacement is confirmed.

The immediate context of Gonzales's departure is tension between the White House and Congress over a purge of nine US attorneys in 2006 and the expansion of domestic spying programs under the Bush administration. In testimony before Congress on these matters, Gonzales had made repeated statements that were contradicted by other current and former government officials, and Democrats had begun calling for a special prosecutor to look into charges of perjury. Leading Republicans also called for his resignation.

Gonzales played a key role in a 2004 dispute within the Bush administration over the secret National Security Agency (NSA) warrantless wiretapping program first approved by Bush after the attacks of September 11, 2001. After Justice Department lawyers decided that the program was without legal foundation, then-acting Attorney General James Comey refused to reauthorize the program.

Gonzales, who was then White House counsel, together with then-White House chief of staff Card, sought to circumvent Comey by appealing to Attorney General John Ashcroft, who was hospitalized and semi-conscious. Comey testified about the incident in May.

In sworn testimony, Gonzales had insisted that the dispute did not involve the so-called "Terrorist Surveillance Program," the existence of which was revealed in December 2005. At that time Bush acknowledged only a limited operation, supposedly targeted at terrorist suspects. Gonzales insisted that the dispute within the administration in 2004 involved "other intelligence activities."

Late last month, FBI Director Robert Mueller, testifying before the House Judiciary Committee, supported Comey's testimony and indicated that the dispute did involve the NSA warrantless wiretapping program.

Gonzales also played a key role in the firing of US attorneys, and has been caught in repeated lies about his involvement. The purge was aimed at putting in place Republican party operatives who would use their position to file trumped-up voter fraud cases against Democratic candidates and voter registration groups allied with the Democratic Party, and attempt to remove traditionally Democratic Party voters from registration lists.

In testimony before the Senate Judiciary Committee last month, Gonzales refused to answer any questions relating to the attorney firing scandal. The administration has taken the position that any current or former White House aide can refuse Congressional subpoenas to testify on the matter, claiming an expansive executive privilege power.

Underlying both of these questions is the extraordinary attack on democratic rights in the United States which has been at the center

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of Gonzales's long association with Bush. This began in the 1990s, when Gonzales served as general counsel to Bush, then Texas Governor, and was in charge with reviewing all clemency requests from Texas death row inmates. Bush overturned only one sentence and approved the execution of 152 people.

As counsel to the president, Gonzales was a key figure in drafting legal memoranda arguing that the president, as commander-in-chief, has wide authority to violate international law and the democratic rights of the American people. He drafted a memo arguing that the Geneva Conventions should not be applied to Al Qaeda and the Taliban, and that certain of its provisions are "quaint."

It was Gonzales who requested the "torture memo," drafted by other administration lawyers, which defined torture in such a narrow manner as to permit abusive methods banned by both US and international law, and which laid out the pseudo-legal argument that the president could not be prevented from ordering torture because of his virtually unlimited war time powers.

In his statement on Monday, Bush highlighted some of Gonzales's other contributions, noting, "Gonzales has played a critical role in shaping our policies in the war on terror.... The Patriot Act, the Military Commissions Act and other important laws bear his imprint."

The Military Commissions Act was passed in 2006 with the connivance of Democratic congressional leaders. It eliminated *habeas corpus* for prisoners at Guantánamo Bay, gave the president the authority to interpret the Geneva Conventions, and established a system of drumhead military commissions to replace those—first set up in an order written by Gonzales in 2001—that were ruled unconstitutional by the Supreme Court.

Bush also said that Gonzales played a key role in helping to confirm right-wing Supreme Court justices John Roberts and Samuel Alito, and that he "did an outstanding job" in "identifying and recommending the best nominees to fill critically important federal court vacancies." The administration has sought very consciously to use judicial appointments to shift the courts to the right on questions of democratic rights, business regulation, the separation of church and state, and presidential power.

While congressional Democrats and some Republicans had become increasingly vocal in recent months demanding that Gonzales resign, none of the fundamental issues of democratic rights had been the focus of their attacks. In the attorney firings scandal, the Democrats downplayed the basic question involved—the attempt to manipulate elections. In the spying controversy, the focus was on whether or not Gonzales lied to Congress about the 2004 dispute, not on the blatant illegality and unconstitutionality of the spying programs, which continue to this day.

For the Democrats, the intent of the congressional hearings targeting Gonzales has been to placate Democratic Party supporters even as the party has continued to fund the Iraq war and facilitate the policies of the Bush administration. From the Patriot Act, to the confirmation of Gonzales as attorney general, to the passage of the Military Commissions Act—the Democrats have played a critical role in providing the necessary votes and covering up the anti-democratic content of these measures.

Earlier this month, the Democratic-controlled Congress passed a law amending the Foreign Intelligence Surveillance Act, giving the president vast new powers to spy on the American people.

What really forced Gonzales out was not the opposition of the Democrats, but the growing opposition from leading Republicans, including Senator Arlen Specter, the ranking member of the Senate Judiciary Committee, and Senator Tom Coburn, another member of the Judiciary Committee. Republicans were increasingly concerned that Gonzales's incompetence and lack of credibility rendered him incapable of defending the administration's position.

The principal concern of congressional Democrats and Republicans was that Gonzales had become an obstacle to the functioning of the Justice Department. House Speaker Nancy Pelosi (Democrat from California) said on Monday that Gonzales's actions had "seriously eroded public confidence in our justice system." Senate Judiciary Committee Chairman Patrick Leahy (Democrat from Vermont) said that under Gonzales, the Justice Department had "suffered a severe crisis of leadership that allowed our justice system to be corrupted by political influence."

The Gonzales resignation represents an attempt by the Bush administration to reach an accommodation with critics that will allow the attack on democratic rights to continue. The exposure of blatant partisanship and lying had turned Gonzales into an obstacle in pursuing these policies.

The fact that Chertoff is at the head of possible replacements for Gonzales sends a signal that the basic policy will continue. As head of the Department of Homeland Security, Chertoff, is intimately involved in the attacks on the democratic rights of the American people. In an interview with CNN on Monday, Democratic Senator Schumer, who played a leading role in the investigations into Gonzales, indicated he would be prepared to support the nomination of Chertoff to head the Justice Department.

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