

Gonzales Named to Succeed Ashcroft as Attorney General

By Dan Eggen
Washington Post Staff Writer
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President Bush nominated White House counsel Alberto R. Gonzales as attorney general yesterday, choosing his top lawyer and longtime friend to guide the war on terrorism and lead the federal government's largest law enforcement agency.

Confirmation by the Senate, considered likely, would make Gonzales, 49, the first Hispanic attorney general in U.S. history and place the Justice Department in the hands of a loyal Bush confidant who helped craft some of the administration's most controversial anti-terrorism strategies.

The move also means that departing Attorney General John D. Ashcroft, a darling of the conservative movement, would be replaced with a figure viewed with some suspicion by the Republican right. By choosing loyalty over ideology in the first major personnel decision after his reelection, Bush signaled a desire for calmer and quieter times at Justice, officials said.

"He always gives me his frank opinion," Bush said in announcing Gonzales's nomination. "He is a calm and steady voice in times of crisis. He has an unwavering principle of respect for the law."

Gonzales said the post of attorney general requires "a special level of trust and integrity."

"The American people expect and deserve a Department of Justice guided by the rule of law, and there should be no question regarding the department's commitment to justice for every American," he said. "On this principle there can be no compromise."

Democrats and Republicans alike predicted a relatively easy confirmation for Gonzales, who came to Washington after serving as a Bush aide and as a state Supreme Court justice in Texas. Last week's elections gave Republicans a 55-to-44-seat Senate edge in the next Congress, which convenes in January.

Democrats see Gonzales, the son of migrant farm workers, as relatively moderate. And Republican conservatives -- while uncomfortable with Gonzales because of previous decisions related to abortion and other social issues -- were cheered that his appointment

as attorney general would keep him, at least for now, from being nominated to fill a Supreme Court vacancy.

Tom Minnery, vice president for public policy at Colorado-based Focus on the Family, said Gonzales would be a problematic judicial nominee because he does not have "strong pro-life beliefs." But he said his group would support Gonzales's appointment as attorney general.

"Putting someone like that in such an independent role as a federal judge is a problem for us," Minnery said. "But as attorney general, the social issues are not as prominent as the law enforcement issues."

Sen. Charles E. Schumer (D-N.Y.), a member of the Senate Judiciary Committee, said it was "encouraging that the president has chosen someone less polarizing."

"We will have to review his record very carefully, but I can tell you already he's a better candidate than John Ashcroft," Schumer said.

Viet D. Dinh, a former senior Justice official under Ashcroft who now teaches law at Georgetown University, said he expects Gonzales to "differ in tone but not in substance" from his predecessor.

"Al Gonzales does not have the strong public profile of John Ashcroft and the attendant political controversy," Dinh said. "I don't think the outside interest groups will have as easy a time trying to marginalize him as a radical or extremist attorney general."

One of the Judiciary Committee's Republican members, Sen. John Cornyn (Tex.), told reporters that it would be "very difficult" for Democrats to impede Gonzales's nomination in light of GOP gains in the Senate and the defeat of Senate Minority Leader Thomas A. Daschle (D-S.D.). "I just think this would be the wrong fight for them to pick," Cornyn said.

Nonetheless, some Democrats said Gonzales will face sharp questioning about his role in crafting administration anti-terrorism policies that have been overturned or scaled back by the courts. Groups such as the American Civil Liberties Union and Amnesty International urged Democrats to be tough on him.

Michael Ratner, president of the Center for Constitutional Rights, a New York-based group that represents families of some detainees at the military prison at Guantanamo Bay, Cuba, said that Gonzales's legal opinions "opened the door and paved the way" for abuses at Abu Ghraib prison in Iraq.

"He's right in the middle of where this administration went off the page of the law and into chaos," Ratner said. "They're promoting someone who was one of the legal architects of the abuse. It's just appalling."

In one January 2002 draft memo, Gonzales argued that the war on terrorism made the Geneva Conventions' limitations on treatment of enemy prisoners "obsolete" and "renders quaint some of its provisions."

His office also played a role in an August 2002 memo from the Justice Department's Office of Legal Counsel advising that torturing alleged al Qaeda terrorists in captivity abroad "may be justified" and that international laws against torture "may be unconstitutional if applied to interrogations" conducted in the U.S. war on terrorism. Gonzales held a news briefing to distance himself from the memo after it became public, calling it, in part, "irrelevant and unnecessary" and "overbroad."

Gonzales also publicly defended the administration policy of detaining alleged "enemy combatants" without access to lawyers or courts, a position rejected by the U.S. Supreme Court in June.

Some career prosecutors at the Justice Department were also alarmed by Bush's choice of Gonzales, said one administration official, given the department's role in politically sensitive investigations involving the White House. These include the inquiry into the disclosure of a CIA operative's name and an escalating investigation of Halliburton Co., the energy services company formerly run by the vice president.

"This could be the kiss of death to have an attorney general so close to the White House," the official said.

Many conservatives interpreted the Gonzales appointment as a sign that Bush is preparing to nominate a more ideological figure to the Supreme Court.

"I find it reassuring," said Jeffrey Bell, a consultant with ties to religious conservatives. "It shows that Bush is a loyal person, which on a different level assures people who care about the Supreme Court."

Among the most likely candidates for Gonzales's current job is White House staff secretary Brett Kavanaugh, a lawyer who has been waiting nearly 16 months for confirmation to the U.S. Court of Appeals for the District of Columbia Circuit, officials said.

Kavanaugh was a top lawyer in two cases that dogged the Clinton White House, working as a deputy to independent counsel Kenneth Starr in the long-running Whitewater investigation and the 1998 impeachment case.

Staff writers Dana Milbank, Alan Cooperman and Helen Dewar and research editor Lucy Shackelford contributed to this report.