

Ashcroft Under Attack, Hides From Critics

by Edward Spannaus

Are John Ashcroft's days numbered as Attorney General in the Bush Administration? Some observers think they are—for just as Vice President Dick Cheney and his neo-conservative cronies have become a liability to the Administration, so Ashcroft is being seen in the same light, as he comes under increasing fire, while refusing to face his opponents.

Ashcroft's ducking from critics was particularly obvious on Oct. 21, at a hearing of the Senate Judiciary Committee, during which he came under attack from Edward Kennedy (D-Mass.) and other Senators, for not showing up to be questioned about the USA/Patriot Act.

Where was John that day? In Philadelphia, in one of the three visits he made to there during the week of Oct. 20. The city was in an uproar about an FBI eavesdropping device found in the office of Mayor John Street, while the Mayor was engaged in a battle for re-election.

Three Philadelphia-area Congressmen asked to meet with Ashcroft to ask him to explain the bugging of Street's office and the FBI leaks about the investigation, but, typically, Ashcroft refused. "We want to meet with the Attorney General to have him explain to us why his personnel chose to bug the office of the Mayor so [close] to the election," said Rep. Joe Hoeffel.

'An Empty Chair . . .'

At the Senate hearing, Senator Kennedy criticized Ashcroft for refusing to come before the Judiciary Committee to face questioning. "Only the Attorney General can supply adequate answers to our questions, and I, like others, regret he is not here to do so," Kennedy said. "He has not reported to the Committee since early March, yet he has the time to barnstorm the country in an exercise that's far more public relations, not a law enforcement exercise."

The reference was to Ashcroft's two-week tour around the country to promote the Patriot Act, in which he spoke only to hand-picked audiences of supporters, took no questions, and avoided any discussions with critics of the anti-terrorism law.

Kennedy said that the lower-level Department of Justice (DOJ) officials who were testifying at the hearing, just like Ashcroft, insist on defending "extreme measures, which may well threaten basic freedoms more than they prevent acts of terrorism."

Sen. Richard Durbin (D-Ill.) said that "there's an empty

chair here today . . . which should be filled by the Attorney General of the United States, who frankly has been a rare visitor to Capitol Hill when it comes to justifying his administration's process and procedure that they're using to fight terrorism."

Sen. Joseph Biden (D-Del.) warned the DOJ officials present, that "the [Patriot] Act will be repealed if you don't get your act together" and start sharing information with Congress. "And the idea that the Attorney General of the United States has to be in Philadelphia . . . or whatever the hell or heck he's doing, and not being willing to be here before this Committee, is outrageous. It's absolutely outrageous that he wouldn't be here."

The Naked Truth

The most controversial area, which Ashcroft refuses to discuss except in front of friendly, specially selected audiences, is the Department's use of the 2001 USA/Patriot Act, rammed through Congress in the wake of the September 11 attacks and in the midst of the anthrax scare.

More and more indications are emerging, as to how the Department is using the extraordinary powers that it was granted for use in counter-terrorism investigations, in ordinary criminal cases which have no relation to terrorism. A DOJ report in May reported that Patriot Act powers had been used in cases of credit card fraud, bank theft, and drug violations.

The latest example involves an investigation of a Las Vegas strip club owner, Michael Galardi, and a number of local politicians, on allegations such as bribery and racketeering. "The law was intended for activities related to terrorism and not to naked women," said Sen. Harry Reid (D-Nev.). As to Galardi and his gang, "I don't condone, appreciate, or support their nakedness," but "I haven't heard anyone say at any time he was involved in terrorism."

'Diversity' Redacted

In another effort to keep Congress and the public in the dark, Ashcroft's Justice Department suppressed, for over a year, a study critical of the Department's personnel practices with respect to minorities. And when the report was finally posted on the DOJ website, almost half of it was blacked out. The full report has now been made available to the public, through the efforts of a private "information archeologist" who was able to reconstruct the full text.

The report, prepared by KPMG Consulting (now BearingPoint), found that the Department has "significant diversity issues," and that "minorities are significantly more likely than whites to cite stereotyping, harassment, and racial tension as characteristic of the work climate" in the Department. Minorities were found to be more likely to perceive unfairness in hiring and promotion practices; they are "significantly under-represented in management ranks" and "are substantially more likely to leave the Department than whites." (All of

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ashcroft's Department of Justice keeps the Congress informed!—typical part of a report on diversity in the DoJ workforce, submitted by the Attorney General to Congress.

these findings were redacted from the report as posted by the DOJ.)

During another Senate hearing, Senator Kennedy said that the manner in which the Department handled the report calls into question its commitment to diversity in its own workplace. Kennedy added that this “gives the distinct impression that the Department commissioned the report, then left it on the shelf, ignoring the recommendations.”

On Nov. 3, Reps. John Conyers (D-Mich.) and Jerrold Nadler (D-N.Y.) asked the Department of Justice's Inspector General to investigate the Department's conduct concerning the “diversity” report—both the delay in releasing it, and then the extensive deletions in the copy made public. They wrote that “it is outrageous that the very agency that is charged with rooting out discrimination would make it so difficult for the public to scrutinize its own civil rights record,” and asked “if the Department's purpose in withholding the information was simply to cover up its own poor record.”

Even before the existence of the KPMG Consulting report was known, the Oct. 12 *Washington Post* had noted the virtual disappearance of minorities among the Department's top management positions. After Ashcroft's bruising confirmation battle, in which his racial views and pro-Confederate sympathies were a major subject of controversy, he quickly appointed minorities to about one-third of top management

positions. Now, there is only one in the Department's top ranks.

More Internal Dissension

Internal dissension within the Justice Department has also surfaced in a number of other areas.

Legal Times reported on Oct. 13 that Ashcroft rarely meets face-to-face with top officials in the Department, preferring to filter everything through his Chief of Staff David Ayres and Deputy Chief of Staff David Israelite. A former DOJ official is quoted as saying that senior officials in the Department “would be shut down” when they would ask to speak to Ashcroft. “You can never talk to this Attorney General one-on-one,” he said.

Notably, both of the “Davids”—as they are known—are political operatives with no apparent law enforcement experience: Ayres ran Ashcroft's Senate campaign in 1984, and then his Senate office; Israelite's most recent employment was with the Republican National Committee.

Another arena in which Ashcroft has come under attack from inside the DOJ, as well as outside, is his handling of the investigation of the Administration's leaking of the identity of a CIA covert officer, the wife of former Ambassador Joseph Wilson. This was raised by a number of Senators during the Oct. 21 hearing, and Ashcroft has also come under criticism from his own colleagues within the Justice Department.

The *New York Times* reported on Oct. 16 that several senior prosecutors at the Justice Department, and some top FBI officials, have privately criticized Ashcroft for failing to recuse (disqualify) himself, or for failing to appoint a special prosecutor to conduct the investigation. According to the *Times*, these officials believe that Ashcroft cannot credibly lead a criminal investigation that centers on top officials of the White House with which he is so closely aligned.

Knowledgeable intelligence sources in Washington report that Ashcroft is keeping himself in charge of the probe, in order to be in a position to suppress any serious investigation or charges that would hit the White House.

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