



# human rights *first*

## Statement of Human Rights First on its Opposition to Alberto Gonzales' Confirmation as Attorney General of the United States

January 24, 2005

"America's vital interests and our deepest beliefs are now one. From the day of our founding we have proclaimed every man and woman on this earth has rights, and dignity, and matchless value." These were the words of President Bush as he took the oath of office for his second term. They fairly reflect the principle on which the United States was founded: all people, by virtue of their humanity, have inalienable rights under law.

Torture and calculated cruelty inflicted by the government cannot be reconciled with this principle. Such conduct strips those subject to it of their dignity, and deprives them of their humanity. It is for this reason such treatment has long been prohibited by the laws of the United States, and by treaties the United States urged the world to embrace.

Alberto Gonzales, the President's nominee to be the United States' chief law enforcer, is without question familiar with this first principle of human rights. An experienced lawyer, he has served successfully in private practice, as a judge and as counsel to the President. He has an inspiring personal history of struggle and opportunity that is, in many ways, uniquely American. But during the past four years, Mr. Gonzales has helped to steer America away from its commitment to human rights under law. For this reason, we must oppose his nomination.

During his tenure as White House Counsel, Mr. Gonzales advised the President that the laws of war do not bind us in the difficult fight against terrorism. He approved a definition of torture so narrow that much of the barbarism depicted in the photos from Abu Ghraib would have been beyond the law to punish. He has contended that U.S. personnel are exempt from the ban on cruel and degrading practices that has been binding U.S. treaty law for more than a decade. And he has embraced the radical view that the President has the power to ignore laws passed by the nation's representatives in Congress. Such views are anathema to the rule of law, and contrary to the rights the United States has pledged to protect.

Indeed, the policies Mr. Gonzales embraced as White House Counsel – and reaffirmed in his hearings before the Senate this month – opened the door to abuses that have undermined military discipline, put our troops abroad at greater risk, and as even Mr. Gonzales acknowledges, denied the United States the moral authority essential to prevailing against terrorism in the long term. After the horrific images from Abu Ghraib became public last year, Secretary of Defense Donald Rumsfeld insisted that the world should "[j]udge us by our actions," and "watch how a democracy deals with the wrongdoing and with scandal and the pain of acknowledging and correcting our own mistakes." The world is indeed watching. And the picture it will see should the Senate approve the nomination of Mr. Gonzales is the promotion of one closely associated with the torture and cruelty the President says he rejects.

Some have argued that it is unfair to blame Mr. Gonzales for the torture, cruelty, and death inflicted on individuals in U.S. custody overseas. As Mr. Gonzales repeatedly said at his confirmation hearing, setting interrogation policy was "not my job." Clearly there

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are other officials who also bear responsibility for these actions. But no one disputes that Mr. Gonzales rejected the applicability of essential provisions of the Geneva Conventions in Afghanistan, and that he endorsed interrogation methods that law enforcement and military experts advised were unlawful, and that many senior military officers reject today. Mr. Gonzales reaffirmed these views in his statements before the Senate – telling Senators that he agreed with the conclusions of the memo reducing the definition of torture to meaninglessness, and suggesting that the President could ignore laws if he thought they unconstitutionally infringed on his powers as Commander-in-Chief. We evaluate Mr. Gonzales based on his own actions, and his own words. And it is on this basis we oppose his nomination.

As a human rights organization committed to protecting the rule of law, we are compelled to take what is, for us, this unusual step. This is the second time in 27 years that Human Rights First has opposed a presidential nominee, and the first such action since 1981. We take this difficult decision with great reluctance, recognizing that the President has broad discretion to make executive appointments, and to provide, consistent with his office, such national leadership as he sees fit. But in a nation committed to observing the rule of law as it is, not as power finds it convenient to be, we cannot accept the President's decision here. We urge the Senate to reject Mr. Gonzales' nomination.