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# Gonzo the Bozo

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The [Attorney General of the United States actually testified](#) last Thursday before the Senate Judiciary Committee that "the Constitution doesn't say, 'Every individual in the United States or every citizen is hereby granted or assured the right to habeas [corpus].'"

Whoa.

You might think a weasel like Alberto Gonzales would leave himself some wiggle room after advancing a claim this bold, but no. He continued, "It doesn't say that. It simply says that the right of habeas corpus shall not be suspended..."

And here we'd hoped that only Supreme Court justices harbored this much contempt for the Constitution.

Gonzo positively spews the bilge these days. During the same hearing, [he once again defended](#) the Fed's warrantless wiretaps of our emails and phone calls. That followed [a speech on Wednesday](#) in which he advised jurists hearing cases on national security – for example, those ruling against warrantless wiretaps – to shut up and let the president shred the Constitution because "a judge will never be in the best position to know what is in the national security interests of our country."

Seems all this was only a prelude to Gonzo's assault on habeas corpus. And, as usual, he's wrong. So essential is our right to be free from unlawful detention, from Leviathan's tossing us in the clink without charges or trial, that [the Constitution](#) twice discusses habeas corpus. Article 1, Section 9 states: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." The Sixth Amendment describes and guarantees the right, much to the Bush Administration's chagrin, without actually using the Latin term ("In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial...").

But let's follow Gonzo's lead and talk about what the Constitution doesn't grant – specifically, a pinhead for Attorney General. Indeed, the Constitution doesn't provide for attorneys general at all. Like so much other evil, that required an [act of Congress in 1789](#): the "appointed" AG "shall...be...a meet person, learned in the law..." Uh-oh. Whether torturing simple English sentences or the guys at Gitmo, Gonzo's about as "unmeet" as they come.

Nor does the Constitution authorize the dictatorial Department of Justice (DOJ) over which Gonzo reigns. This bureaucracy began tyrannizing Americans in 1870, when Congress established it because of "the post-Civil War increase in the amount of litigation," according to [the DOJ](#). By sheer coincidence, Congress also "gave the Department control over all criminal prosecutions and civil suits in which the United States had an interest" and "over federal law enforcement." That turned the DOJ into "the world's largest law office..." Lord have mercy. As of [FY2003](#), the DOJ employed 129,679 lawyers and other leeches in "six major bureaus: Federal Bureau of Investigation, the Immigration and Naturalization Service, Drug Enforcement Administration, Bureau of Prisons, U.S. Attorneys, and U.S. Marshals Service." These are further apportioned into 60-odd "agencies" of horrific harm to citizens and high help to Leviathan, everything from the "Asset Forfeiture Program" to "Tax Division." Naturally, there's overlap in this bureaucratic behemoth: we not only pay for the "Office of the Attorney General," we finance an "Associate" AG and a "Deputy" AG, too. We even foot the "Office of Public Affairs" by which the DOJ tries to

persuade us that it torments us for our own good.

Not surprisingly, this "[swarm of officers](#) [that] harass[es] our people, and eat[s] out their substance" gobbled almost \$22 *billion* of our taxes in 2001, the latest year for which I found actual figures. And even these are suspect: the DOJ's financial statement warns, "The Department is not in compliance with the requirements of the Federal Financial Management Improvement Act. The Department also does not meet federal accounting standards related to property accounting." Remember that these are the hucksters who put Enron's management in jail.

Which brings us to a debate I attended a few years ago when a couple of DOJ lawyers defended the [Sarbanes-Oxley Act](#). They gleefully described how the mere prospect of being handcuffed, let alone going to prison, scared CEO's silly. One gloated about causing an executive to break into a sweat – and worse – when she and her cohorts burst into his office. Both bragged about the terror that the Act's "new tools" of "tough...criminal penalties" were spreading among entrepreneurs. Petty, vindictive, bullying, repellant: this is what the Department palms off as "justice." Our taxes buy its legions plenty of time and resources to dream up crimes and charges and campaigns against the rest of us and then persecute – sorry, prosecute us "to the fullest extent of the law."

Now, after [defending the ancient crime of torture](#), its chief denies the ancient right of habeas corpus. And thereby achieves the impossible: he almost makes Janet Reno look good.

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Becky Akers [[send her mail](#)] writes primarily about the American Revolution.

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