



Gonzales waits to testify before the Senate.

GETTING IN DEEPER...

ANOTHER WEEK REVEALS MORE LAPSES IN JUDGMENT BY THE BUSH TEAM

By Chitra Ragavan

For months, congressional Democrats have tried to force embattled Attorney General Alberto Gonzales out of his job by using what one congressional source called “conventional weapons”—incriminating E-mails, damaging memorandums, and other documents related to the controversial firings of nine U.S. attorneys. And for months, against the unwavering support of President George W. Bush, they have failed. But last week, the committee investigating the firings detonated what the same source called a “thermonuclear device.” And in doing so, they have put Gonzales’s future in serious doubt.

Bedside drama. The bomb in question is James Comey, a highly regarded former deputy attorney general who dramatically described Gonzales’s dark role in reauthorizing the National Security Agency’s secret wiretap program. In riv-

eting congressional testimony last week, Comey disclosed that in March 2004, when then Attorney General John Ashcroft lay deathly ill in a hospital bed, Gonzales—then White House counsel—and former White House Chief of Staff Andrew Card went to the hospital to persuade the ailing Ashcroft to sign off on the program. Comey, serving as acting AG, had refused to sign a presidential

A respected prosecutor shares riveting testimony about a desperate bedside intervention.

order reauthorizing the wiretapping program because he questioned its legality. Alerted to the others’ visit, Comey raced to the hospital himself, getting there with just minutes to spare. “I remember waiting; it wasn’t long, but it felt like forever,” Comey told *U.S. News* in an exclusive interview. “And I was

thinking, ‘What am I going to do? What if they get him to sign something? Do I intervene physically? What do I do?’ ”

Ashcroft, although barely conscious, found the strength to support him, Comey testified. But Bush continued the program without any certification. So Comey said he, Ashcroft, FBI Director Robert Mueller, and senior Justice staffers all prepared to resign, prompting Bush to back Comey’s demand for changes to the program. “If the thinking in the administration was that Gonzales can ride it out,” says Steven Detelbach, a former federal prosecutor and former Democratic staffer on the Senate Judiciary Committee, “this is Exhibit A that it could get worse.”

Indeed, congressional sources tell *U.S. News* that Democrats will ask the Texas Bar Association to determine whether Gonzales violated his code of professional responsibility or broke laws by bringing up the NSA program in the hospital in front of Ashcroft’s wife, who lacks secu-

rity clearances. "I am not going to speculate on discussions that may or may not have taken place," Justice Department spokesman Dean Boyd responded, "much less attempt to render a legal judgment on any such discussions."

What makes the latest testimony so compelling is that it comes from Comey, a former mob and white-collar-crime prosecutor with impeccable credentials and unimpeachable credibility. Not insignificantly, he is also a Republican and a Bush appointee. "He's got very significant conservative stripes," says Caroline Fredrickson of the American Civil Liberties Union. "The fact that he was so concerned about the legality of the NSA program should send a message to Congress."

Bulldog. This is hardly the first time that Comey, now senior vice president and general counsel of Lockheed Martin, has taken on the White House. He has repeatedly disputed Gonzales's assertions that the fired U.S. attorneys had performance problems. In 2003, he named a close friend, U.S. Attorney Patrick Fitzgerald, as a special counsel to investigate the CIA-Valerie Plame leak affair—a case that resulted in the conviction of Vice President Dick Cheney's former chief of staff, Lewis "Scooter" Libby. And in the aftermath of the Sept. 11, 2001, terrorist attacks, Comey challenged Cheney on what he and his advisers believed was the shaky legality of memorandums that authorized aggressive interrogations and other "war on terror" policies.

Such actions have made Comey something of a *bête noire* in the Bush administration—even though Comey believes that Bush respected him and wanted him to do the right thing. Indeed, now some Democrats, including Sen. Charles Schumer of New York, say they will even back Comey for attorney general if Gonzales resigns. "The only thing worse than being vilified by the left," says Comey with a laugh, "is being idolized by the left."

Likable and 6 foot 8, the 46-year-old Comey invariably invites comparisons to James Stewart in his portrayal of an idealistic congressman in *Mr. Smith Goes to Washington*. A graduate of William and Mary and the University of Chicago law school, Comey was beloved by prosecutors for his legal acumen and his easy management style, which he describes as obtaining results by eliciting equal parts affection and guilt. He continually urged prosecutors to protect their integrity, the credibility that the court in-



James Comey testifies before the Senate Judiciary Committee.

stantly conferred on them, he says, simply by virtue of their office. Comey has likened that goodwill to a vast reservoir: It takes enormous time and effort to fill, but it can be irreparably damaged with just "one hole in the dam."

Comey told *U.S. News* he was prepared to testify about the Ashcroft incident for more than three years but never did. Why? "Nobody ever asked," he said.

"I've never been in a forum where I was obligated to answer the question. Short of that, it was not something I was going to volunteer."

His actions at the hospital, he testified, earned him Card's wrath. Soon after Gonzales became attorney general, his then chief of staff, Kyle Sampson, told Comey that Gonzales's "vision" was to merge the deputy's office with Gonzales's own office. That meant that Comey would have lost some of his autonomy, becoming less of a leader and more of a senior staff member. A

source close to Sampson says he merely wanted Gonzales and Comey to operate as a "seamless leadership team," with "harmony rather than conflict," and never meant to "degrade the status or authority" of the deputy. Comey didn't buy it. "You may want to try that with the next deputy attorney general," Comey is said to have responded to Sampson. "But it's not going to work with me." ●

...GETTING OUT PAINFULLY

The Wolfowitz fight was about more than a raise for a friend

By Edward T. Pound

As the president of the World Bank, Paul Wolfowitz relied on a small group of aides and a bare-knuckled management style that angered many staff members and senior bank officials. Last week, he stepped down, effective June 30, a decision that seemed to end the uproar over his leadership—an uproar that came to a head because of a hefty pay raise and promotion he arranged for a companion, Shaha Riza.

But the purge is far from over. More heads are certain to roll, and his vaunted anticorruption program is likely to suffer in the process.

In the meantime, the White House is pressing to name a new bank president, perhaps within a week to 10 days. The United States customarily selects the bank's president, and several names were in play at week's end, including Robert Zoellick, the former deputy secretary of state; Robert Kimmitt, the No. 2 at the Treasury Department; and John

Snow, the former treasury secretary.

Wolfowitz, insistent that he did not violate the bank's ethics rules, negotiated his resignation with the antipoverty institution's 24-member executive board. Board members, many displeased with his leadership, agreed to issue a statement thanking him for his service. Its statement also said, in referring to the uproar over Riza, that Wolfowitz "assured us that he acted ethically and in good faith . . . and we accept that."

The uproar over Wolfowitz's role in the promotion scandal was but one piece of a larger mosaic.

Bank documents show that Riza was transferred to the State Department and given a healthy raise after Wolfowitz took over the presidency in June 2005. Wolfowitz sought to recuse himself in dealing with the issue but was

directed by the board's ethics committee to handle the matter.

Many board and staff members were long critical of Wolfowitz's stewardship. Some denounced his reliance on a group of Republican aides who were viewed as overtly political. Others believed his program to crack down on corruption in