

BILLY BARR ADMITS, FOR THE THIRD AND FOURTH TIME, THAT HE INTERVENES WITHOUT KNOWING THE FACTS

Billy Barr's statement for his testimony today is here. It is as cynical and dishonest as you might imagine.

In his first paragraph, he pays tribute to John Lewis, without mentioning the ways he personally is trying to roll back the ability for every citizen to vote (most notably, of late, by falsely suggesting that the only safe way to vote during a pandemic is susceptible to fraud).

In his second paragraph, he suggests only politicians are political, and then suggests "mobs" are among those pressuring DOJ to take political decisions.

We are in a time when the political discourse in Washington often reflects the politically divided nation in which we live, and too often drives that divide even deeper. Political rhetoric is inherent in our democratic system, and politics is to be expected by politicians, especially in an election year. While that may be appropriate here on Capitol Hill or on cable news, it is not acceptable at the Department of Justice. At the Department, decisions must be made with no regard to political pressure—pressure from either end of Pennsylvania Avenue, or from the media or mobs.

Then he spends five paragraphs addressing what he calls "Russiagate," a term used exclusively by those who like to diminish the seriousness of an attack on our country.

Ever since I made it clear that I was going to do everything I could to get to the bottom of the grave abuses involved in the bogus “Russiagate” scandal, many of the Democrats on this Committee have attempted to discredit me by conjuring up a narrative that I am simply the President’s factotum who disposes of criminal cases according to his instructions. Judging from the letter inviting me to this hearing, that appears to be your agenda today.

Four paragraphs later, Billy Barr admits that the sole reason he returned to government was to avenge what he believed – *as an admitted outsider!!* – to be two systems of justice.

But as an outsider I became deeply troubled by what I perceived as the increasing use of the criminal justice process as a political weapon and the emergence of two separate standards of justice. The Department had been drawn into the political maelstrom and was being buffeted on all sides. When asked to consider returning, I did so because I revere the Department and believed my independence would allow me to help steer her back to her core mission of applying one standard of justice for everyone and enforcing the law even-handedly, without partisan considerations. Since returning to the Department, I have done precisely that. My decisions on criminal matters before the Department have been my own, and they have been made because I believed they were right under the law and principles of justice.

Remember: Billy Barr has repeatedly stated that the investigation into Trump’s associates (not Trump himself) was unprecedented, proving he’s either unaware of or uninterested in the two investigations into Hillary, both of which

involved abuses (the ostensible reason for the firing of both Jim Comey and Andrew McCabe) and leaks. The *only* evidence that a biased FBI Agent was running an informant on a candidate during the election involved the Clinton Foundation investigation which – unlike the Russian investigation – is understood to be entirely predicated on dodgy opposition research. Clinton *did* sit for an interview in the investigation into her actions; Trump refused.

In other words, every complaint floated about the Russian investigation actually applies more readily to the two Clinton ones, the treatment of investigations which had some effect, however unmeasured, on the election.

Yet the Attorney General of the United States has now admitted that he came into office planning to avenge what he sees as the opposite. Importantly, he admits he formed this conclusion an outsider! That means he formed the conclusion in spite of – by his own repeated admission – not knowing the facts of the investigation. “I realize I am in the dark about many facts,” he admitted in his memo on what he believed Mueller was doing on obstruction. As part of his confirmation process, he told both Dianne Feinstein and the Senate Judiciary that, “As I explained in a recent letter to Ranking Member Feinstein, my memo was narrow in scope, explaining my thinking on a specific obstruction-of-justice theory under a single statute that I thought, based on media reports, the Special Counsel might be considering.”

Billy Barr decided to become Attorney General based off what he admitted then and has proven since to be badly mistaken understanding of what the Russian investigation entailed. That’s it. That’s why he agreed to become Attorney General.

Barr may think he’s working from an independent standpoint (a laughable claim in any case given his outspoken hatred for anything progressive), but he keeps admitting that he’s doing something worse, working from an understanding based off media portrayals rather than an understanding

based off the public, much less the investigative, record.

No wonder Reggie Walton ruled that Attorney General Barr had spun the real outcome of the investigation. Barr, by his own admission, formed conclusions when he was “in the dark about many facts.” There’s no evidence he has revisited those conclusions since.

Billy Barr performs his own toxic bias in numerous other ways in his opening statement, for example by focusing on Antifa’s potential threat to law enforcement rather than Boogaloo’s much greater threat.

Most cynical, though, is the way he explains the storm troopers in Portland as an effort to defend not just Federal property (which it is, if counterproductively heavy-handed), but Article III judges.

Inside the courthouse are a relatively small number of federal law enforcement personnel charged with a defensive mission: to protect the courthouse, home to Article III federal judges, from being overrun and destroyed.

Barr has demonstrated his disdain for Article III judges over and over: by overriding the decisions of Emmet Sullivan on the Mike Flynn case, by lying to courts on census cases, by ignoring Supreme Court orders on DACA.

Most importantly, however, on issues pertaining to Trump’s flunkies – even the Roger Stone case that he has twice said was righteous – Barr completely dismissed the seriousness of an actual threat to a Federal judge. As I have noted, contrary to Barr’s repeated claims that Amy Berman Jackson agreed with the sentencing recommendation DOJ made after he made an unprecedented intervention to override a guidelines sentencing recommendation, she did *not* agree that his revised sentencing included the appropriate enhancements. Not only did Barr dismiss the seriousness of making a

violent threat against a witness, but Barr's revised sentencing memo eliminated the sentencing enhancement for threatening a judge, opining (as Barr has a habit of doing) that DOJ wasn't sure whether Stone's actions had obstructed his prosecution and trial under ABJ.

Moreover, it is unclear to what extent the defendant's obstructive conduct actually prejudiced the government at trial.

This is why we have judges: to decide matters like this! Indeed, that's the justification for recommending guidelines sentences in the first place – so the actual judge who presided over the case, rather than an Attorney General who has admitted to repeatedly forming opinions without consulting the actual record, makes the decisions based off the broadest understanding of the record. Even in this, his most egregious action, Billy Barr's DOJ weighed in while admitting it didn't have the knowledge to do so. And did so in such a way that minimized the danger of threats against Article III judges.

Billy Barr thinks the moms defending protestors in Portland are a threat to judges. But his repeated, acknowledged intervention on matters he knows fuckall about is a bigger threat to the rule of law, up to and including when that record includes threats against judges.