

OPINION

I won't work in Attorney General William Barr's Justice Department any longer

I proudly served 19 different attorneys general and six different presidents. Barr has turned his back on the rule of law.



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Attorney General William Barr speaks at the National Sheriffs' Association Winter Legislative and Technology Conference in Washington, Monday, Feb. 10, 2020. (AP Photo/Susan Walsh)



BY PHILIP ALPERN

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After 36 years, I'm fleeing what was the U.S. Department of Justice — where I proudly served 19 different attorneys general and six different presidents. For the last three-plus decades, I have respected our leadership regardless of whether we were led by a Republican or a Democrat. I always believed the department's past leaders were dedicated to the rule of law and the guiding principle that justice is blind. That is a bygone era, but it should not be forgotten.

Maybe I should've seen this coming, but like many of my colleagues, I fervently hoped that Attorney General William Barr's preemptive misrepresentation of special counsel Robert Mueller's report was an honest mistake or a solitary misstep — rather than a deliberate attempt to conceal potential presidential misconduct.

After all, Barr has never actually investigated, charged or tried a case. He's a well-trained bureaucrat but has no actual experience as a prosecutor.

Unfortunately, over the last year, Barr's resentment toward rule-of-law prosecutors became increasingly difficult to ignore, as did his slavish obedience to Donald Trump's will in his selective meddling with the criminal justice system in the Paul Manafort, Michael Flynn and Roger Stone cases. In each of these cases, Barr overruled career prosecutors in order to assist the president's associates and/or friends, who potentially harbor incriminating information. This career bureaucrat seems determined to turn our democracy into an autocracy.

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There is no other honest explanation for Barr's parroting of the president's wild and unsupported conspiracy theories regarding mail-in ballots (which have been contradicted by the president's handpicked FBI director) and his support for the president's sacking of the U.S. attorney for the Southern District of New York, whose office used the thinnest of veils to postpone charging the president in a criminal investigation along with Michael Cohen (who pled guilty and directly implicated the president). It took federal Judge Alvin Hellerstein to stop Barr's unprecedented "retaliatory" demands to silence the president's former lawyer as a condition for staying out of jail.

Similarly, federal Judge Reggie Walton sharply criticized Barr for a "lack of candor" and federal Judge Emmet G. Sullivan at least temporarily stopped Barr from dismissing all charges against Flynn, the president's former national security adviser, who admitted lying to the FBI about conversations he had with the Russian ambassador. Rather than representing the interests of the American public, Barr chooses to act as Trump's lap dog.

More recently, Barr directed federal officers to use tear gas in Lafayette Park to quell what were, at that time, peaceful protesters. Barr's assertion the square was not cleared due to the president's desire for a Bible-carrying photo op is laughable. It is certainly a case that Barr would lose before a jury (again, though, this may not be clear to him due to his unfamiliarity with jury trials).

Barr also turned his back on the rule of law by supporting the president's selective use of federal troops to assault citizens protesting the killing of George Floyd in Portland, Oregon. Yet he stood silently by when armed right-wing protesters stormed the Michigan state Capitol building to protest the Democratic governor's public health orders.

Barr's longest-running politicization of the Justice Department is the Durham investigation — a quixotic pursuit designed to attack the president's political rivals. Confirming his scorn for honest apolitical prosecutors, Barr refers to some as "headhunters" who pursue "ill-conceived charges against prominent political figures." It does not appear to be a coincidence that all of these prominent political figures happen to be friends of the president. However, if I'm a headhunter because I charged and convicted disgraced local House members Duncan D. Hunter and Randy "Duke" Cunningham, so be it. It's a badge that I will wear with honor.

I remained in government service this past year at least partly because I was concerned that the department would interfere with the Hunter prosecution in my absence. Unfortunately, many of my colleagues without such a rationale appear to have started abandoning Barr's ship. Equally troubling, highly qualified lawyers appear to be unwilling to apply to be federal prosecutors while Barr remains at the helm. Yet, as I leave government service, I take great comfort in the fact that the career people who remain in the Department of Justice are firmly committed to the rule of law, and are some of the most dedicated, ethical and industrious individuals we have in government. At times like these, I take heart in knowing that they are all committed to preserving and rebuilding the Department of Justice that I was privileged to serve.

***Halpern** was an assistant U.S. attorney for 36 years in the U.S. Attorney's Office in San Diego. He is a resident of Mission Hills.*

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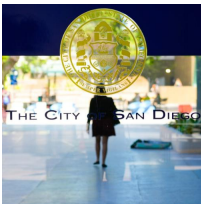
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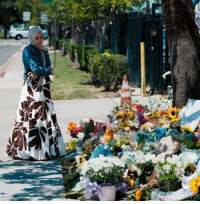
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