

Third Justice Dept. Prosecutor Publicly Denounces Barr

The prosecutor also said he retired after staying on to protect a public corruption case against a Republican congressman.



By Katie Benner

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WASHINGTON — A 36-year veteran of the Justice Department this week accused Attorney General William P. Barr of abusing his power to sway the election for President Trump and said he was quitting, making him the third sitting prosecutor to issue a rare public rebuke of the attorney general.

“Barr’s resentment toward rule-of-law prosecutors became increasingly difficult to ignore, as did his slavish obedience to Donald Trump’s will,” Phillip Halpern, a federal prosecutor in San Diego, said in a letter published Wednesday in The San Diego Union-Tribune. “This career bureaucrat seems determined to turn our democracy into an autocracy.”

Mr. Halpern said he chose to retire as well, calling Mr. Barr “a well-trained bureaucrat” without prosecutorial experience and alleging that he scorned honest apolitical prosecutors and selectively meddled in the criminal justice system to help Mr. Trump’s allies.

He said he would have quit earlier but stayed on because he worried that the department under Mr. Barr would have interfered in his prosecution of former Representative Duncan D. Hunter, Republican of California, who pleaded guilty in December to conspiracy to steal campaign funds.

The condemnations by Mr. Halpern and the two other prosecutors, one in Seattle and one in Boston, broke with a longstanding practice by Justice Department lawyers not to publicly discuss internal affairs.

“I have never seen sitting prosecutors go on the record with concerns about the attorney general,” said Paul Butler, a professor at Georgetown Law who served as a federal prosecutor during Mr. Barr’s earlier tour as attorney general in the George Bush administration. “This is unprecedented.”

He said that during Mr. Barr’s first stint as attorney general, line prosecutors did not feel the sense of crisis that they feel now. “Trump is the difference,” Mr. Butler said. “Barr was attorney general, but he was still beholden to the president, and he didn’t put the pressure on the attorney general that Trump has.”

Kerri Kupec, a Justice Department spokeswoman, did not respond to a request for comment on the letters or to a question about whether the two prosecutors still at the department who spoke out would face disciplinary action.

More than 110,000 people work at the Justice Department, and internal disagreement is common, as at any large organization; the disputes sometimes spill into view through news reports. The department and its prosecutors have come under tremendous scrutiny under Mr. Trump, as he has publicly criticized prosecutors for charging his allies and said that he wanted them to put his political enemies in jail.

Mr. Butler pointed to a recent book by Andrew Weissmann, a prosecutor on the Russia investigation, as an example of how the norm of the department’s rank and file remaining quiet had softened. Mr. Weissmann’s book gives an inside looking into some of the deliberations that took place during the investigation and criticized the special counsel, Robert S. Mueller III, for being overly cautious.

Mr. Mueller publicly pushed back on some of Mr. Weissmann’s claims in a rare public statement.

“Even five years ago, that would have been shocking,” Mr. Butler said of the back-and-forth.

But he argued that the three prosecutors’ critiques of Mr. Barr were particularly unusual. “Most people in the past would have been afraid that they would be tainted or blackballed from future jobs for publicly criticizing the attorney general,” Mr. Butler said. “But I don’t think that these letter writers will suffer consequences outside of the department.”

Mr. Halpern, who worked under six presidents of both parties, said that he observed colleagues quitting and that highly qualified lawyers seemed unwilling to apply to be federal prosecutors because of how Mr. Barr helmed the department.

“I always believed the department’s past leaders were dedicated to the rule of law and the guiding principle that justice is blind,” Mr. Halpern said. “That is a bygone era, but it should not be forgotten.”

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