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SPEAK, MR. BARR, SPEAK.

*A guest article by John K. DiMugno, Esquire, a California attorney, legal educator, and the author or coauthor of multiple legal treatises and legal periodicals published by Thomson Reuters.*

William P. Barr, Attorney General of the United States, recently spoke at the American Law Institute's Annual Meeting in Washington, D.C. The ALI likely extended the invitation shortly after Mr. Barr's confirmation when there was hope that he would play a role similar to that of the departed General Mattis and General McMaster and place guardrails on the President's more authoritarian instincts. By the time of the Annual Meeting, those hopes had evaporated. Mr. Barr's dissembling about the contents of the Mueller Report raised serious concerns about the Attorney General's complicity in administration efforts to undermine the rule of law.

[This Blog highlighted the incongruity between Mr. Barr's conduct in office and the core mission of the ALI.](#) Notably, Mr. Wall's post made no attempt to silence Mr. Barr, a solution that would have satisfied the wishes of many in the ALI who were rightfully appalled by Mr. Barr's transparent attempt to mislead the American public. But barring Mr. Barr from speaking would have entangled the ALI in partisan politics, something the organization scrupulously avoids for good reason. Staying above the political fray insulates the ALI's Restatements of the Law against charges of political bias and broadens their influence on courts and legislatures around the country.

Mr. Wall's proposed solution—letting Mr. Barr speak while contributing the ALI's earnings from the speech to legal aid societies around the country—perfectly balanced those competing concerns. It had the salutary effect of simultaneously benefitting public interest groups that desperately need the money while drawing attention to questions about Mr. Barr's integrity.

Mr. Barr's penchant for making transparently misleading and often contradictory statements has left some wondering what he hopes to achieve other than aggrandize power and influence in the Trump administration. Sharon LaFraniere, Charlie Savage and Katie Benner, *People Are Trying to Figure Out William Barr. He's Busy Stockpiling Power*, NEW YORK TIMES [on line](#), June 9, 2019.

He misled the American public about the contents of the Mueller Report knowing full well that when the report was released several weeks later his lies would be evident to everyone.

When Mr. Barr sought confirmation as Attorney General, [he told the U.S. Senate](#) that he had known Robert Mueller for years and did not believe that Mr. Mueller would engage in a "witch hunt." Yet, shortly before his confirmation hearings, he sent a [memo](#) to the Justice Department characterizing the obstruction of justice charges against the President as "asinine" and sent an [e-mail](#) stating he saw far less reason to scrutinize the Trump campaign's ties to Russia than to investigate whether donations to Hillary Clinton's family foundation had influenced her actions as secretary of state. Once he was confirmed, he enabled the President's attempts to distract from

the contents of the Mueller Report by [opening an investigation of those who investigated him](#).

When Mr. Barr was seeking confirmation, [he told the U.S. Senate Judiciary Committee](#) that he was willing to reconsider the Justice Department's decision not to defend the Affordable Care Act (ACA). But, when he became Attorney General, he put the resources of the Justice Department behind litigation in Texas federal district court seeking to invalidate the entire Affordable Care Act.

As the song goes, "There's something happening here. What it is ain't exactly clear." [Buffalo Springfield, For What It's Worth](#). I say let Mr. Barr speak. Listen closely to what he says and watch what he does. Only then will whatever is happening start to become clear.

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