

Why the Criticism of William Barr Is Unfair

by Gary Fouse



Now that the Mueller investigation has finally come to an end, Democrats, the media, and Hollywood celebrities are having a major hissy fit trying to figure out how to keep the collusion mantra going. Some have accused Mueller of being a Russian agent just like President Trump. Far fetched? Of course, but that's the direction that the Democrats and media have gone.

Then there is the matter of Attorney General William Barr, newly appointed by Trump and confirmed by the Senate. Barr is a much respected professional who served as AG under George H W Bush. He is a convenient target not only because he is a political appointee, and a Republican, but wrote a memo back in 2017 criticizing Mueller's investigation of possible obstruction of justice by the president. His critics are now charging that he took the Mueller report and made the final call on whether to charge any crimes. Thus, the reasoning goes, the final call was made by a political appointee of the

president.

On the surface, that may sound like a reasonable argument. The problem is that this is the procedure that was supposed to be followed. The special prosecutor was, indeed, tasked to submit his final report to the attorney general. He could make recommendations, such as to charge certain people or not to charge. Mueller's judgment was that no further indictments were called for, there was no evidence that Trump or his campaign colluded with the Russians, and finally, he could make no conclusion as to the question of obstruction of justice by Trump.

More importantly, it would have been far more troubling had Barr overruled the conclusions and recommendations of Mueller. The special prosecutor situation is somewhat unique within federal law enforcement, but it can be compared to when investigators from a federal agency, like the FBI, present a case report to the US Attorney's Office. When the investigative team, in this case, led by Mueller, submits its case report to the prosecutor, in this case Barr, it is the latter who makes the decision on whether to go ahead with prosecution, indictments etc. If the investigators cannot present a prosecutable case to the prosecutor, it would be the height of folly and unethical for the prosecutor to indict. If the investigators want to charge someone, they need to present a solid case to the prosecutor. (Again, consider Mueller to be the investigator here.) This is something Mueller failed to do.

On the other hand, had Mueller presented a prosecutable case to the attorney general, and Barr declined to prosecute, then the Democrats would have an argument. Of course, this is not even taking into account the legal question of whether a sitting president could be prosecuted in the first place.

There is much to criticize Mueller about over the manner in which he conducted this two-year investigation. In the end, he

presented, in my opinion, an honest and proper conclusion as to the president. Barr has followed his role to the letter. If the Democrats in Congress want to keep beating this dead horse, they do so at their political peril.