

ATTORNEY GENERAL

Who is William Barr, Trump's pick to replace Sessions as AG?

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President Donald Trump has confirmed that he will nominate former Attorney General William Barr, who served for two years under President George H.W. Bush, to resume the role of attorney general, the Washington Post

(https://www.washingtonpost.com/world/national-security/trump-confirms-he-will-pick-william-barr-as-his-next-attorney-general/2018/12/07/6e8d28ba-fa2d-11e8-863c-9e2f864d47e7_story.html?utm_term=.c21efcd24301) reports.

On Thursday, the Post had reported

(https://www.washingtonpost.com/world/national-security/william-barr-is-leading-attorney-general-candidate-in-trump-discussions/2018/12/06/468e8940-f905-11e8-863c-9e2f864d47e7_story.html?utm_term=.a7426d80132b) that

William Barr. Photo courtesy of Kirkland & Ellis. anonymous sources “familiar with the deliberations” told them that Barr was the leading candidate to be nominated as the next attorney general.

He’s “a really serious contender,” the Post quoted one of its sources. “The president is very, very focused on [a candidate] looking the part and having credentials consistent with the part.”

Friday morning, Trump confirmed to reporters that Barr was the candidate he planned on nominating, saying Barr was “my first choice since Day One.”

Any nomination would likely take many months to confirm, leaving in place Acting Attorney General Matthew Whitaker.

Barr’s background probably would not make him a controversial choice; the Post says he’s viewed as an experienced, establishment Republican with no prior association with the president. In addition to his service as attorney general from 1991 to 1993, he held other high-ranking jobs within the Department of Justice during the first Bush administration, and—according to a 1992 ABA Journal article

([https://books.google.com/books?](https://books.google.com/books?id=BiOs6JxwVe0C&lpg=PA20&ots=SFAfukpIEf&dq=william%20barr%20aba%20journal%20attorney%20general&pg=PA20#v=onepage&q=william%20barr%20aba%20journal%20attorney%20general&f=false)

[id=BiOs6JxwVe0C&lpg=PA20&ots=SFAfukpIEf&dq=william%20barr%20aba%20journal%20attorney%20general&pg=PA20#v=onepage&q=william%20barr%20aba%20journal%20attorney%20general&f=false](https://books.google.com/books?id=BiOs6JxwVe0C&lpg=PA20&ots=SFAfukpIEf&dq=william%20barr%20aba%20journal%20attorney%20general&pg=PA20#v=onepage&q=william%20barr%20aba%20journal%20attorney%20general&f=false))—had been a domestic policy staffer in the Reagan White House. He’s currently of counsel

(<https://www.kirkland.com/lawyers/b/barr-william-p>) at Kirkland & Ellis.

However, Barr’s relationship to the Iran-Contra affair could prove controversial. Barr was attorney general when President George H.W. Bush pardoned six people

(<https://archive.nytimes.com/www.nytimes.com/learning/general/onthisday/big/1224.html#article>) involved in the Reagan administration’s plans to sell weapons to Iran even though Iran was, at the time, under an arms embargo. Those involved were senior administration officials who eventually used the money to fund the Nicaraguan Contras, a rebel group that Congress had forbidden the government to fund. The pardons scuttled four convictions and mooted two trials, drawing condemnations from independent prosecutor Lawrence Walsh and some members of Congress.

Barr’s role in the Iran-Contra scandal may be a focus of questioning by Democrats concerned about how Barr might handle the current special counsel, Robert Mueller. Potentially also of interest: a comment Barr made in 2017 about political contributions made by members of Mueller’s team. At that time, he told the Post that political donations suggest political affiliation, and that he “would have liked to see [Mueller] have more balance on this group.”

And Barr wrote in a Washington Post op-ed in 2017

(https://www.washingtonpost.com/opinions/former-attorney-general-trump-made-the-right-call-on-comey/2017/05/12/0e858436-372d-11e7-b4ee-434b6d506b37_story.html?utm_term=.422a3965c841) that Trump's decision to fire former FBI Director James Comey was correct, since "Comey arrogated the attorney general's authority to himself" by announcing the FBI's conclusions about Hillary Clinton's emails. In a 2016 op-ed, Barr had supported Comey's choice (https://www.washingtonpost.com/opinions/james-comey-did-the-right-thing/2016/10/31/7fcf0018-9f84-11e6-a44d-cc2898cfab06_story.html?utm_term=.72ab57d93eed) to announce the FBI was reopening that investigation.

Barr also has made comments as an interviewee that suggest skepticism about Mueller's work. In November 2017, he told the New York Times (["https://www.nytimes.com/2017/11/14/us/politics/trump-pressure-clinton-investigation.html"](https://www.nytimes.com/2017/11/14/us/politics/trump-pressure-clinton-investigation.html)) that there was more reason to investigate Hillary Clinton's involvement in government approval of a uranium company's acquisition than there was to investigate alleged collusion between the Trump campaign and Russia. In another comment to the Washington Post (["https://www.washingtonpost.com/politics/trump-breaches-boundaries-by-saying-doj-should-be-going-after-democrats/2017/11/03/1c157c08-c0aa-11e7-97d9-bdab5a0ab381_story.html?utm_term=.f0210b3559ba"](https://www.washingtonpost.com/politics/trump-breaches-boundaries-by-saying-doj-should-be-going-after-democrats/2017/11/03/1c157c08-c0aa-11e7-97d9-bdab5a0ab381_story.html?utm_term=.f0210b3559ba)) that month, he suggested that the government had left worthwhile Clinton-related matters uninvestigated.

Less recently, in 1992, Barr told the Los Angeles Times (http://articles.latimes.com/1992-06-21/opinion/op-1236_1_attorney-general/2) that he disliked the independent counsel statute because those prosecutors lack accountability, by virtue of their independence, but retain power and resources.

"I think that any person concerned about civil liberties should be concerned about that kind of a structure," he said.

The New York Times (<https://www.nytimes.com/2018/12/06/us/politics/william-barr-attorney-general-trump.html>) notes that Barr said in 1992 that an attorney general's primary loyalty should be to the rule of law, not the president. However, the Times also says Barr thinks presidential power should be broad. In 1989, he sent "an apparently unsolicited 10-page memo" to lawyers at executive branch agencies, urging them to push back against congressional attempts to limit executive power. Georgia State University law professor Neil Kinkopf later said this (http://www.legalaffairs.org/issues/September-October-2005/feature_kinkopf_sepoct05.msp) provided the foundations of the "torture memo" issued under President George W. Bush.

Barr is also opposed to criminal justice reform, according to another Washington Post article (https://www.washingtonpost.com/politics/2018/12/06/william-barr-shares-same-hard-line-views-drug-enforcement-his-daughter-who-already-works-justice-department/?utm_term=.d74fa9283ff8). In 2015, the Post

says, Barr and others signed a letter (<http://nafusa.org/wp-content/uploads/2016/01/Sentencing-Dear-Colleague-Letter-with-Attachment.pdf>) urging Senate leaders not to permit consideration of a bill that would have reduced certain mandatory minimum sentences. Relaxing those sentences, they wrote, would pose a risk to public safety and reverse “a dramatic reduction in crime over the past 25 years.” That bill didn’t pass, but a similar bill is pending and has Trump’s support, according to CNBC (<https://www.cnn.com/2018/11/19/trump-backed-criminal-justice-reform-bill-faces-uphill-battle-in-congress.html>).

On immigration, Barr’s prior record as attorney general includes overseeing a decision by the DOJ to deny entry into the United States of HIV-positive people. That reversed a decision by the secretary of Health and Human Services, as the New York Times reported in 1991 (<https://www.nytimes.com/1991/05/28/us/health-dept-loses-in-aids-rule-dispute.html>). He also told the University of Virginia (<https://millercenter.org/the-presidency/presidential-oral-histories/william-p-barr-oral-history-assistant-attorney-general>) that he advocated for using the Guantanamo Bay naval base as a place to house Haitian refugees the government did not want to admit “several months before the election.”

More recently, Barr wrote a Washington Post op-ed in 2017 supporting Trump’s firing (https://www.washingtonpost.com/opinions/former-attorney-general-trump-was-right-to-fire-sally-yates/2017/02/01/5981d890-e809-11e6-80c2-30e57e57e05d_story.html?utm_term=.22a64a7ed45d) of former Acting Attorney General Sally Yates, who had refused to implement Trump’s first travel ban. He wrote that he saw “no plausible grounds for disputing the [travel ban]’s lawfulness,” and disputed the idea that it was a disguised ban on Muslims.

On abortion, Barr testified during his 1991 confirmation hearings that he thinks there is a right to privacy in the Constitution but not that it applies to abortion, the Los Angeles Times (http://articles.latimes.com/1991-11-14/news/mn-1917_1_wade-decision) reported. The Los Angeles Times noted that then-Sen. Joe Biden expressed surprise at Barr’s honesty.

Barr and two other former attorneys general, Michael Mukasey and Edwin Meese, recently praised former Attorney General Jeff Sessions in a November Washington Post op-ed (https://www.washingtonpost.com/opinions/jeff-sessions-can-look-back-on-a-job-well-done/2018/11/07/527e5830-e2cf-11e8-8f5f-a55347f48762_story.html?utm_term=.87e4d7b24cda) for reinstating tough sentencing policies, opposing nationwide injunctions, and opposing efforts to limit offensive speech on college campuses.

After leaving government service at the end of the first Bush administration, Barr held various corporate legal jobs, including general counsel and executive vice president of GTE Mobile and then Verizon, when that company was created by a merger of GTE and Bell Atlantic. He then was on the board of directors of Time Warner (<https://www.hollywoodreporter.com/news/william-barr-joins-time-warner-86864>) from 2009 to June 2018, after which he joined Kirkland & Ellis.

The son of faculty members at Columbia University, Barr was born and raised in New York City. He also attended Columbia University and earned a bachelor's degree in government in 1971 and then a master's degree in government and Chinese studies in 1973. He worked at the CIA from 1973 to 1977 while attending George Washington University's law school at night. After receiving his JD, he clerked for Judge Malcolm Wilkey of the U.S. Court of Appeals for the District of Columbia and practiced law at Shaw, Pittman, Potts & Trowbridge, now known as Pillsbury Winthrop Shaw Pittman.

Barr is married with three daughters and plays the bagpipes, at one point seriously enough to travel to competitions.

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