Opinion
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by Michael Sean Winters

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Sen. Lamar Alexander (R-Tenn.) and Bill Barr in front of a picture of President George H. W. Bush's cabinet that hangs in Alexander's Washington office. Alexander served as education secretary under Bush, while Barr served as attorney general. (Wikimedia Commons/Office of Sen. Lamar Alexander)

Watching Attorney General William Barr testify last week before the Senate Judiciary Committee, a frightening idea popped into my head: Might the country be in safer hands if Michael Cohen were attorney general? At least Cohen showed remorse when he got caught with his legal pants down.

Barr has done more in a few weeks to undermine confidence in the Department of Justice than seemed imaginable. Wasn't he, like Rex Tillerson and James Mattis, one of the grown-ups? He was a Bush 41 guy, so surely he was not going to let his reputation be besmirched on behalf of President Donald Trump? Or so we all hoped. None of us can read his heart, but the question shows the limit of sincerity as a political good, or even as a political category. Barr may be more concerned to vindicate his philosophic belief that it is wrong to permit a sitting president to be indicted, to advance "a theory of presidential power," but the result is the same: Among all the other many and repeated harms to our democracy that Trump has inflicted upon the nation, now he has also put a big fat dent into our system of justice and our Constitutional provisions regarding holding office holders accountable to the rule of law.

We can all now see how Barr's four-page summary of special counsel Robert Mueller's report on Russian interference in the 2016 election inaccurately represented Mueller's findings. What last week's hearings showed is that Barr is possessed of an arrogance that surely appeals to his boss as much as the cover he has provided the president against the very clear evidence that Trump tried his best to obstruct justice, and that he failed only because his staff refused to carry out his orders. More than 450 former federal prosecutors, who worked in both Democratic and Republican administrations, not only reached that conclusion, they published their conclusion on Monday.

Barr's mischaracterization of the Mueller findings not only provided cover for the president by giving him and his acolytes a narrative of exoneration, he is slow-walking legitimate requests from Congress to see the full, unredacted Mueller report. And, what is more, last week he refused to even appear before a House committee. Barr knows that Congress can cite him with contempt, but it has no real means of enforcing such a citation as Ken Dilanian of NBC explained in this concise summary.

News also broke Monday that, after consultations with Barr's agency, Treasury Secretary Steve Mnuchin ordered the director of the Internal Revenue Service not to

turn over Trump's tax returns to Congress, despite the fact that the law clearly gives Congress the right to receive the tax returns of any citizen. Mnuchin is also refusing to disclose the legal opinion he received from Barr or from his own legal team. Is there one? Or, does the plutocrat Mnuchin — like an earlier plutocrat, Commodore Vanderbilt — think, "What do I care about the law? Ain't I got the power?"

Barr's office is now scrambling to fend off a vote holding him in contempt of Congress. Mind you, it would be hard to hold Congress in greater contempt than the American people already do: The RealClearPolitics average of polls has the congressional approval rate at 21.3 percent. Its disapproval rate is 66.8 percent. So, if Barr is not risking the ire of the American people, maybe he now is going to start considering his reputation.

It is too late. Barr will go down in history as the worst attorney general ever, worse even than John Mitchell, Nixon's Attorney General, who went to jail for his role in the Watergate cover-up. Am I being too harsh? I don't think so, precisely because none of us knows to what lengths Trump will go to preserve his power. Nixon was a crook, to be sure, but his crimes were personal, almost understandable when compared with Trump's. Nixon was paranoid but he was not the thorough-going narcissist Trump is and his sins were balanced by a deep knowledge of American history and politics.

What is more, the Trump constitutional crisis is different from Nixon's. In some important respects, it is more like the constitutional crisis provoked by General Douglas MacArthur's disregard for President Harry Truman's order, only in reverse: This time we want the generals to win. That is a scary sentence for someone who is committed to small "d" democracy to write but, in all honesty, can anyone express confidence that Trump would not order the U.S. military to do something illegal, something outrageous, simply to stoke the national fever which he believes is his ticket to reelection? The Mueller report shows repeatedly that Trump ordered his subordinates to break the law and obstruct justice. They ignored his requests. Would the generals do the same if they receive a similar order? Does the presence of John Bolton at the president's side calm anyone's nerves?

And why, after more than four months, is there still only an acting secretary of defense? We know the reason: People do not want to be associated with this president. In normal circumstances, people are beating down the door to get nominated to a job like that. Now, in these abnormal circumstances, key jobs cannot be filled because most do not want to risk their reputation. Our conservative friends

have spent years and spilt untold amounts of ink telling us that democracy only works when there is a healthy moral culture to sustain it. They have, typically, been referring to the ambient macro culture, but why so silent about the immoral micro culture that is the Trump White House? Instead, First Things and the National Catholic Register make excuses for this president.

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We are in unchartered waters politically, but with our own eyes we can see shoals and rocky shores all around us. We remember the words of Longfellow:

> *Thou, too, sail on, O Ship of State!*
>
> *Sail on, O Union, strong and great!*
>
> *Humanity with all its fears,*
>
> *With all the hopes of future years,*
>
> *Is hanging breathless on thy fate!*

Today, the fears seem to cloud out the hopes, and Bill Barr has emboldened the most dangerous man to ever reside in the White House. Whatever theories of executive power led him to do so pale by comparison with the real world consequence of his decisions. If the Democrats cannot impeach Trump, and they can't, perhaps they should impeach Barr.

[Michael Sean Winters covers the nexus of religion and politics for NCR.]

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