

# The Lawlessness of William Barr, America's New Top Law Enforcement Official

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Congress' confirmation of **William Barr** as Attorney General for the United States on Thursday has come and gone with comparatively little commotion compared to that attending his predecessor, Jeff Sessions, or Supreme Court Justice Brett Kavanaugh. Most media attention fixated on the potential for Barr to undermine the work of his former colleague and close collaborator, Special Counsel Robert Mueller.

The relatively small amount of scrutiny Barr fell under from Congress and Beltway thought leaders speaks to a conformity of their ideologies. But to understand what America's new top law enforcement official really signifies as a veteran swamp creature, it is necessary to revisit Cold War history.

Despite being lauded by doves in the later stages of the Vietnam War, Robert Kennedy (RFK) remained unapologetic about his involvement in the Bay of Pigs invasion of Cuba during the Kennedy administration. In a statement four days after the invasion, then-Attorney General RFK [seemingly denied](#) U.S. involvement in the paramilitary assault on Playa Giron.

As the world knew full well that it was the U.S. behind the incursion, his brother, President John F. Kennedy, had to discontinue airstrikes after the Cuban military secured the bay.

In his declassified diary, RFK [wrote](#) in May 1961 regarding the failed Bay of Pigs invasion,

"If we do not get back to a position where nations have some respect, and even fear [illegible], we shall never beat these bastards."

And so RFK, working with the CIA, went on to greenlight the U.S.'s post-Bay of Pigs regime-change policy for Cuba: Operation Mongoose, which was "designed to do what the Bay of Pigs invasion failed to do: remove the Communist Castro regime from power in Cuba," [according to](#) the State Department's Office of the Historian. Mongoose included:

[A] coordinated program of political, psychological, military, sabotage, and intelligence operations, as well as proposed assassination attempts on key political leaders, including [Fidel] Castro. Monthly components of the operation were to be set in place to destabilize the communist regime, including the publication of Anti-Castro propaganda, provision of armaments for militant opposition groups, and establishment of guerilla bases throughout the country, all leading up to preparations for an October 1962 military intervention in Cuba.”

To secure these objectives — some of which, like the 1962 military intervention, failed to come to fruition- the CIA poisoned scuba diving gear, which was then gifted to Fidel Castro, and teamed up with Mafia hitmen, RFK’s supposed political enemies. In the midst of the Cuban Missile Crisis and during the U.S. naval blockade, Mongoose agents [killed](#) 400 petrochemical workers.

RFK’s declassified diary demonstrates a turning point in U.S. foreign policy, one in which the office of attorney general would go on to play a more decisive role in often illegal foreign policy, from the waging of wars to crafting policies regarding the rights — or lack thereof — of detainees at American foreign military bases and black sites.



Barr greeting President Ronald Reagan in 1983 (Public Domain)

When William Barr came to the first Bush Administration in 1989 to take on the job, he had a precedent to implement wide-ranging legal justifications for the national and transnational neoconservative agenda that has defined U.S. policy since the Reagan-Bush era. His reappointment to the post is all the more troubling because it shows that Barr’s oversight of the Department of Justice will be an even more effective and seasoned conduit for the justification of empire. And, like the best pro-empire operatives America has to offer, Barr got his start at the Central Intelligence Agency.

### **William Barr’s undercover roots**

William Barr worked at the CIA when Bush Sr. was director of the agency during the Ford Administration. In 1976 Bush appointed Barr to his first government position in the CIA’s

legal office, where he worked with Ted Shackley and Felix Rodriguez, [key planners](#) of the Bay of Pigs invasion and the Operation Mongoose terror campaign, as well as of [Operation Phoenix](#), a CIA campaign in South Vietnam that tortured and killed tens of thousands of Viet Cong leaders and sympathizers. Shackley had also directed the [CIA war in Laos](#) and used drug trafficking to finance and arm [militias against the communist Pathet Lao movement](#). Covering for these these monumental acts of criminality, Barr was able to contribute to the intelligence community's Cold War recklessness, successfully [stonewalling](#) congressional probes into CIA abuses.

The CIA was instrumental in the [1973 coup against the government](#) of Salvador Allende, which installed Pinochet's dictatorship in Chile. William Barr and his boss Malcolm Wilkey [paid off](#) Chileans in the United States, who were aware the CIA had infiltrated and [egged on](#) the atrocities of Augusto Pinochet's secret police force, to keep them quiet.

### **George Bush Sr.'s loyal legal lackey**

After becoming vice president, Bush Sr. apparently brought his CIA subordinate over to the Reagan White House. In 1982, Barr landed a job as a lawyer for the Domestic Policy Council of the administration, according to the [New York Times](#).

His distinctions in furtherance of empire are what attracted Bush after he became president in 1989, and so he appointed Barr to lead the Department of Justice's (DoJ) Office of Legal Counsel, which is tasked with giving legal advice to the president.

It was natural for Bush to tap his legal assistant in the CIA for a job at the DoJ: the Cold War-era Bush White House, like the War on Terror-era one, was a significant time for the maturation of the intractable, national security-oriented arm of the modern American state, and Barr fit the role perfectly.

As head of the Office of Legal Counsel, Barr crafted justifications for the invasion of Panama, [writing in an opinion](#) that the Bush Administration had the power to invade foreign soil to arrest terrorists and drug traffickers, in violation of international legal standards.

In this role, Barr also authored an opinion that concluded that U.S. law allows FBI agents to arrest people charged with crimes in the U.S. while they are overseas, without obtaining permission from the country in which they are caught. According to a [New York Times](#) article that touted Barr's "low-key style" in its headline, the House of Representatives' Judiciary Subcommittee on Economic and Commercial Law sought to obtain the opinion, nearly sparking a constitutional crisis. Barr was later tasked with negotiating with the committee, and eventually reached a compromise.

One of the priorities of the Bush Administration was [guaranteeing the flow of profits](#) from the Panamanian money-laundering business community. At the time, Panamanian dictator — and [CIA asset](#) from as early as the Nixon Administration — Manuel Noriega was in power but growing increasingly disobedient. He refused to let the U.S. renegotiate the existence of 14 military bases in Panama and [hosted the Contadora Group's summit](#) on building peace in Central America. The Contadora Group advocated a diplomatic arrangement supported by socialist Nicaragua, but [opposed by the U.S.](#) After mounting a [campaign of deception](#) in the U.S. corporate media and escalating harassment of Panamanian civilians by U.S. troops, corporate America's bloodlust for regime change was sharpening, and Noriega was eventually indicted by two Florida grand juries on drug trafficking charges.

The fact that Noriega did the bulk of his drug trafficking with knowledge of and [open support](#) from several U.S. presidential administrations was conveniently [ignored](#) by U.S. law enforcement. Four days after a provocation by U.S. Marines on patrol against the Panamanian Defense Forces that left one Marine dead and a U.S. naval officer and his wife detained, boots were deployed on the ground in Panama, ostensibly to catch Noriega. Barr crafted the official justification for this operation, opining that the White House had the power to arrest terrorists overseas [even if it violated international law](#).

The U.S. military [targeted poor neighborhoods](#) in Panamanian cities such as El Chorrillo and San Miguelito. Union leaders, cultural activists, professors, and journalists critical of the invasion were rounded up and arrested by U.S. forces, often without warrants or charges.

Barr would go on to get a promotion to Deputy Attorney General in 1990. In this role, he advised Bush that as president he had the authority to unilaterally invade Iraq — without approval from Congress. However, Barr urged the president to seek a non-binding resolution from Congress nonetheless, which he did.

Chip Gibbons, policy and legislative counsel for Defending Rights & Dissent, told *MintPress News*:

It's impossible to understand how expansive Barr's views of war powers are. The idea that a president could unilaterally launch a large scale offensive military action, as Barr argued in the run up to the first Gulf War, is well outside the mainstream."

Barr's career has demonstrated that he believes the president has an expansive array of powers. While such views are always troubling, given Trump's willingness to use executive power to carry out an authoritarian agenda — from his Muslim ban to his border wall — having Barr in White House at this juncture is incredibly disturbing."

Barr has publicly backed both Trump's Muslim ban and his proposed border wall.

Panama and Iraq were not the only places where Barr advised the president that he did not need approval from Congress to go to war. Barr used the same justifications he used for the U.S. invasions in Panama and Iraq to push for Bush's invasion of Somalia during the Somali Civil War amid the [displacements of tens of thousands](#). In a [memo](#) to Bush, Barr personally concluded the president had the right to intervene.

Barr defended [FBI racial profiling against Arab-Americans](#) in the run-up to the war in the Persian Gulf. As a result, hundreds of Arab-Americans [were](#) interrogated by the FBI about their political views, travel plans, and whether or not they knew terrorists. After community activists protested, Barr [said](#) the FBI program was necessary "to solicit information about potential terrorist activity and to request the future assistance of these individuals."

### **Going to Guantanamo**

With the Bush Administration satisfied by his legal deputy's destabilizing accomplishments, Barr was confirmed as attorney general in 1991.

As *MintPress News* [previously reported](#), Barr was, before long, adding to the long-running tortures the U.S. has inflicted on the people of Haiti. As Haitians fled the death squads

associated with the [CIA-backed military junta that overthrew President Jean-Bertrand Aristide](#) in 1991 to seek asylum in the United States, the U.S. Coast Guard destroyed their boats and took them aboard so that they would not have to process their asylum claims on American soil. To reduce its liability, the United States called these refugees “economic migrants,” according to A. Naomi Paik, author of “Carceral Quarantine at Guantánamo: Legacies of US Imprisonment of Haitian Refugees, 1991 – 1994.”

Eventually, courts challenged the policy, and so the refugees were brought to the U.S. naval station at Guantanamo Bay, Cuba to have their asylum claims assessed. Bush Sr.’s State Department sought to have the refugees sent to Belize and Honduras, but the countries demanded that the Haitians be tested for HIV. The American then conducted HIV tests on every person whom it had assessed to have a legitimate asylum claim.

A 1987 federal law in the United States at the time, however, forbade the U.S. from accepting refugees with HIV. It was part of the homophobic, and often racist U.S. policies during the AIDS crisis, which included the Center for Disease Control’s labeling of people of Haitian origins as particularly “at-risk” for the condition. Barr’s first boss in the White House, Ronald Reagan, ran an administration that [openly mocked](#) the AIDS epidemic.

Since the people who tested positive for HIV already had their asylum claims affirmed, it was illegal for the U.S. to deport them back to Haiti. Enter William Barr, whose solution was to indefinitely detain the refugees at Guantanamo.

Years later, Barr lashed out against his detractors at the time, saying:

What do you want me to do? You want 80,000 Haitians to descend on Florida several months before the [1992] election? Come on, give me a break... Florida will go ape. ...

Their position was, ‘Guantanamo is a military base, and why were all these people here, the HIV people, all these other people? How long are you going to be on our property with this unseemly business?’ I’d say, ‘until it’s over. But we’re not bringing these people into the United States.’”

According to Sen. Richard Blumenthal (D-CT), even Dick Cheney was against the scheme. “When you’re to the right of Dick Cheney on Guantanamo, you know you’ve gone too far,” Blumenthal told *The Daily Beast*. But the Senator’s [many tweets](#) about Barr pick a different bone, focusing on the idea that Barr may interfere with the work of Special Counsel Robert Mueller.

While Barr sought to avoid an election scandal, some 12,000 Haitians — among them 300 HIV patients, according to the ACLU — were subjected to abysmal conditions at the naval base. Food was covered with maggots and everyone was forced to live in makeshift barracks with missing windows. Women were reportedly given forced birth control injections, and the U.S. military would periodically be called in to crack down on protests and hunger strikes.

Federal judge Sterling Johnson ruled in 1993 that the Haitian refugees could not be indefinitely detained. Johnson wrote:

Although the defendants euphemistically refer to its Guantanamo operation as



a 'humanitarian camp,' the facts disclose that it is nothing more than an HIV prison camp presenting potential public health risks to the Haitians held there."

Despite the ruling, the damage was already done in many ways. Even though Johnson had ruled the facility an unconstitutional "HIV prison camp," the U.S. government refused to allow in the refugees unless a settlement was struck with their lawyers that would prevent any legal precedents from pertaining to the rights of Guantanamo detainees under U.S. law. One of the lawyers on the case later remarked:

I, for one, initially balked, thinking that we might need that precedent in the future. But my colleagues soon convinced me that there was no real choice: Our duty to our clients demanded that we put their personal freedom first."

The lack of precedent regarding the application of U.S. laws at the prison camp continues today. Following the terrorist attacks on the World Trade Center on September 11, 2001, Guantanamo Bay would become host to the detainee abuse and torture that tainted the War on Terror, in many ways beyond repair in the eyes of the American public. Had Judge Sterling been able to set a precedent, inmates at Guantanamo today would be guaranteed more rights, such as the right to a speedy trial. Instead, many detainees remain at Guantanamo without charge.

While Barr's lawlessness on the Cuban island rivals that of his predecessor, RFK, Barr aimed to be more than another cog in the Cold War machine. After all, he was confirmed as Attorney General in November 1991, just one month before the collapse of the Soviet Union. Seeking a new enemy, he turned to Reagan's war on drugs for inspiration.

### **From Cold War warrior to drug warrior**

A conservative backlash to the civil rights movement [inspired the racial caste system of mass incarceration](#) in the 1980's. With newfound power as AG, Barr enthusiastically participated in furthering this racial caste system with his policies surrounding immigration, natural disaster management, and the War on Drugs.

During Bush's reign over the War on Drugs, Barr "[transferred](#) Federal Bureau of Investigation and Drug Enforcement Administration agents to 'violent crime' duty from other assignments and called for detaining more suspects without bail," according to the *Wall Street Journal*.

In his career at the DoJ, Barr pushed stricter penalties for drug usage; appropriations to the FBI, DEA, and INS; and militarizing prisons [through the Crime Control Act of 1990](#).

While advocating for harsher penalties for criminals, Barr also pioneered methods to catch more of them — methods that, like his role in negotiating a settlement to avoid a legal precedent relating to Guantanamo, would go on to have disastrous consequences for American rule of law.

As *MintPress News* previously reported, Barr helped draft a Drug Enforcement Administration program that saw the agency ordering phone companies to [turn over lists of phone calls made](#) from the U.S. to a dozen countries, eventually reaching more than 100 nations, according to the ACLU. His partner in the program and deputy at the DoJ was

Robert Mueller – the same Robert Mueller whose work Democrats have feared could be compromised should Barr again become his boss. Barr and Mueller’s DEA program would go on to serve as the “blueprint” for the National Security Agency’s illegal mass surveillance program under the 2001 Patriot Act. Barr would later argue that the NSA program [didn’t go far enough](#).

Barr promoted the expansion of the [death penalty as a tool in the drug war](#), and argued in favor of [airstrikes in Peru](#) to smash up drug operations.

He also expanded the capacity of pretrial detentions. The Prison Policy Initiative [attributes this as the driving cause for the jailed \(pre-trial\) population jumping from 223,568 to 472,607 people](#) between 1993 and 2008, primarily impacting black and Latino communities.

Barr submitted the DOJ report, “The Case for More Incarceration,” when the U.S. *already* led the world in per capita incarceration. In this document, Barr declared that “we are not over-incarcerating” and “a failure to incarcerate hurts black Americans most.” With these principles in mind, Barr led the charge to imprison then-unprecedented numbers of Americans.

Barr’s oversight of the Department of Justice propelled the prison population to [4.9 million people by 1993](#). After leaving the DOJ in 1992, Barr continued to cheer on the drug war and mass incarceration from the sidelines, calling it a [“long-term struggle” like the Cold War](#). In the 1990s, Barr [defended restricting parole, mandatory minimums, and harsher sentences for crack cocaine over powder cocaine in Virginia](#) – a policy long blamed by critics for ramping up the over-incarceration of black Americans.

At the DOJ, Barr saw the LA riots as an opportunity to [crack down on immigration](#) and ramp up militarization of inner-cities. After a decision was made to use the military to quell the riots, Barr [told](#) Bush Sr. “the names of the gangs that were involved, that the violence was largely street gang activity, big-time gang, not like street gangs in the 1950s.” Barr’s direct approach to the uprising in LA was not his first attempt at riot control. His first year at the DOJ saw him [sending in the military](#) to suppress unrest after the [abysmal government response to Hurricane Hugo in St. Croix in the U.S. Virgin Islands](#).

In the wake of the LA riots, Barr [said](#) “the problem of immigration enforcement — making sure we have a fair set of rules and then enforce them — I think that’s certainly relevant to the problems we’re seeing in Los Angeles,” deflecting blame from the [LAPD beating of Rodney King and decades of racial and economic inequalities in the city](#).

Barr’s battle against immigration included his [oversight of](#) one of the first attempts at a [border wall](#) with Mexico: a 14-mile wall near San Diego.

In the wake of Barr’s confirmation, there are more pertinent concerns for the general public aside from his position on the Russia investigation. The erosion of civil liberties, the militarization of American communities, and the escalation of the War on Drugs and War on Terror are all the more likely with Barr in government.

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