

**Written Statement of  
William P. Barr  
Attorney General**

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Chairman Nadler, Ranking Member Jordan, Members of the Committee, I am pleased to be here this morning. I accepted an invitation to testify before this Committee in late March, but it was postponed as a result of the pandemic that continues to pose challenges to us all. I know some other hearings this week have been postponed to honor your late colleague, Congressman John Lewis of Georgia. On behalf of the Department of Justice, I want to pay my respects to Congressman Lewis, an indomitable champion of civil rights and the rule of law. I think it is especially important to remember today that he pursued his cause passionately and successfully with an unwavering commitment to nonviolence.

We are in a time when the political discourse in Washington often reflects the politically divided nation in which we live, and too often drives that divide even deeper. Political rhetoric is inherent in our democratic system, and politics is to be expected by politicians, especially in an election year. While that may be appropriate here on Capitol Hill or on cable news, it is not acceptable at the Department of Justice. At the Department, decisions must be made with no regard to political pressure—pressure from either end of Pennsylvania Avenue, or from the media or mobs.

Ever since I made it clear that I was going to do everything I could to get to the bottom of the grave abuses involved in the bogus “Russiagate” scandal, many of the Democrats on this Committee have attempted to discredit me by conjuring up a narrative that I am simply the President’s factotum who disposes of criminal cases according to his instructions. Judging from the letter inviting me to this hearing, that appears to be your agenda today. So let me turn to that first.

As I said in my confirmation hearing, the Attorney General has a unique obligation. He holds in trust the fair and impartial administration of justice. He must ensure that there is one standard of justice that applies to everyone equally and that criminal cases are handled evenhandedly, based on the law and the facts, and without regard to political or personal considerations. I can tell you that I have handled criminal matters that have come to me for decision in this way.

The President has not attempted to interfere in these decisions. On the contrary, he has told me from the start that he expects me to exercise my independent judgment to make whatever call I think is right. That is precisely what I have done.

From my experience, the President has played a role properly and traditionally played by Presidents. Like his predecessors, President Trump and his National Security Council have appropriately weighed in on law-enforcement decisions that directly implicate national security or foreign policy, because those decisions necessarily involve considerations that transcend typical prosecutorial factors. Moreover, when some noteworthy event occurs that potentially has legal ramifications – such as leaks of classified information, potential civil rights abuses by police, or illegal price fixing or gouging – the President has occasionally, and appropriately, confirmed that the Department is aware of the matter. But the handling of the matter and my decisions on criminal matters have been left to my independent judgment, based on the law and fact, without any direction or interference from the White House or anyone outside the Department.

Indeed, it is precisely because I feel complete freedom to do what I think is right that induced me serve once again as Attorney General. As you know, I served as Attorney General under President George H. W. Bush. After that, I spent many years in the corporate world. I was almost 70 years old, slipping happily into retirement as I enjoyed my grandchildren. I had nothing to prove and had no desire to return to government. I had no prior relationship with President Trump.

But as an outsider I became deeply troubled by what I perceived as the increasing use of the criminal justice process as a political weapon and the emergence of two separate standards of justice. The Department had been drawn into the political maelstrom and was being buffeted on all sides. When asked to consider returning, I did so because I revere the Department and believed my independence would allow me to help steer her back to her core mission of applying one standard of justice for everyone and enforcing the law even-handedly, without partisan considerations. Since returning to the Department, I have done precisely that. My decisions on criminal matters before the Department have been my own, and they have been made because I believed they were right under the law and principles of justice.

Let me turn briefly to several pressing issues of the day.

The horrible killing of George Floyd in Minneapolis understandably jarred the whole country and forced us to reflect on longstanding issues in our nation. Those issues obviously relate to the relationship between law enforcement and the African-American community.

Given our history it is understandable that, among black Americans, there is at least some ambivalence, and often distrust, toward the police. Until just the last 50 years or so, our laws and institutions were explicitly discriminatory. It was not until the 60's that the Civil Rights movement finally succeeded in tearing down the Jim Crow edifice. Our laws finally came to formally embody the guarantee of equal protection. Since then, the work of securing civil rights has rightly focused on reforming our institutions to ensure they better conform to our laws and aspirations.

That work, it is important to acknowledge, has been increasingly successful. Police forces today are far more diverse than ever before; there are both more black police chiefs and more black officers in the ranks. Although the death of George Floyd – an unarmed black man – at the hands of the police was a shocking event, the fact is that such events are fortunately quite rare. According to statistics compiled by the Washington Post, the number of unarmed black men killed by police so far this year is 8. The number of unarmed white men killed by police over the same time period is 11. Some unarmed suspects, moreover, were physically attacking officers or threatening others at the time they were shot. And the overall number of police shootings has been decreasing. Nevertheless, every instance of excessive force is unacceptable and must be addressed, as is happening now in Minneapolis.

Apart from their numbers, I think these events strike a deep chord in the black community because they are perceived as manifestation of the deeper, lingering concern that, in encounters with police, blacks will not be treated even-handedly; they will not be given the benefit of the doubt; they will be treated with greater suspicion than a white person would be in the same circumstances. Senator Tim Scott has recounted the numerous times he has been unjustifiably pulled over on Capitol Hill. As one prominent black professional in Washington said to me, African Americans often feel “treated as suspects first and citizens second.” I think these concerns are legitimate.

At the same time, I think it would be an oversimplification to treat the problem as rooted in some deep-seated racism generally infecting our police departments. It seems far more likely that the problem stems from a complex mix of factors, which can be addressed with focused attention over time. We in law enforcement must be conscious of the concerns and ensure that we

do not have two different systems of justice. In a pluralistic society like ours, composed of many races and ethnicities, we all must strive not to reduce each other to stereotypes or to allow those stereotypes to govern our treatment of our fellow citizens. Rather, we have a basic and overriding obligation to treat each other as individuals, created equal and entitled to the benefit of the doubt rather than assumptions based on skin color.

A recommitment to that principle, particularly by those entrusted with the weighty responsibilities of law enforcement, would be a worthy response to George Floyd's death. It would ensure that good comes out of bad. The Justice Department will honor that commitment. Among other steps, we are implementing the President's Executive Order, which outlines a number of measures to propel continued professionalization of the police, including setting clear standards for appropriate use of force.

Unfortunately, some have chosen to respond to George Floyd's death in a far less productive way – by demonizing the police, promoting slogans like ACAB (All Cops Are Bastards), and making grossly irresponsible proposals to defund the police. The demonization of police is not only unfair and inconsistent with the principle that all people should be treated as individuals, but gravely injurious to our inner city communities. There is no harder job in America today than being a police officer. When officers respond to an emergency, whether a catastrophe like 9/11 or an everyday crime, they do not set out to protect white people or black people. They risk and sometimes give their lives to protect and serve all people, and all people owe them thanks.

When a community turns on and pillories its own police, officers naturally become more risk averse and crime rates soar. Unfortunately, we are seeing that now in many of our major cities. This is a critical problem that exists apart from disagreements on other issues. The threat to black lives posed by crime on the streets is massively greater than any threat posed by police misconduct. The leading cause of death for young black males is homicide. Every year approximately 7,500 black Americans are victims of homicide, and the vast majority of them – around 90 percent – are killed by other blacks, mainly by gunfire. Each of those lives matter.

And it is not just that crime snuffs out lives. Crime snuffs out opportunity. Children cannot thrive in playgrounds and schools dominated by gangs and drug pushers. Businesses do not locate in unsafe neighborhoods. When the police are attacked, when they are defunded, when they are driven out of urban communities, it is black lives that will suffer most from their absence.

It is for that reason that, in select cities where there has been an upsurge in violent crime, we are stepping up and bolstering the activities of our joint anti-crime task forces, which have been successful in the past. In those cities, we are adding experienced investigators, firearms and ballistics analysts, and experts at apprehending violent fugitives. We are also offering funding to support more police who can be assigned to these anti-crime task forces. To be clear, this initiative has nothing to do with the problem of violent mob rioting that I will discuss in a moment; it is instead designed to help state and local law enforcement to meet their basic responsibility to solve crimes and keep their communities safe.

Finally, I want to address a different breakdown in the rule of law that we have witnessed over the past two months. In the wake of George Floyd's death, violent rioters and anarchists have hijacked legitimate protests to wreak senseless havoc and destruction on innocent victims. The current situation in Portland is a telling example. Every night for the past two months, a mob of hundreds of rioters has laid siege to the federal courthouse and other nearby federal property. The rioters arrive equipped for a fight, armed with powerful slingshots, tasers, sledgehammers, saws, knives, rifles, and explosive devices. Inside the courthouse are a relatively small number of federal law enforcement personnel charged with a defensive mission: to protect the courthouse, home to Article III federal judges, from being overrun and destroyed.

What unfolds nightly around the courthouse cannot reasonably be called a protest; it is, by any objective measure, an assault on the Government of the United States. In recent nights, rioters have barricaded the front door of the courthouse, pried plywood off the windows with crowbars, and thrown commercial-grade fireworks into the building in an apparent attempt to burn it down with federal personnel inside. The rioters have started fires outside the building, and then systematically attacked federal law enforcement officers who attempt to put them out—for example, by pelting the officers with rocks, frozen water bottles, cans of food, and balloons filled with fecal matter. A recent video showed a mob enthusiastically beating a Deputy U.S. Marshal who was trying to protect the courthouse – a property of the United States government funded by this Congress – from further destruction. A number of federal officers have been injured, including one severely burned by a mortar-style firework and three who have suffered serious eye injuries and may be permanently blind.

Largely absent from these scenes of destruction are even superficial attempts by the rioters to connect their actions to George Floyd's death or any legitimate call for reform. Nor could such

brazen acts of lawlessness plausibly be justified by a concern that police officers in Minnesota or elsewhere defied the law.

Remarkably, the response from many in the media and local elected offices to this organized assault has been to blame the federal government. To state what should be obvious, peaceful protesters do not throw explosives into federal courthouses, tear down plywood with crowbars, or launch fecal matter at federal officers. Such acts are in fact federal crimes under statutes enacted by this Congress.

As elected officials of the federal government, every Member of this Committee – regardless of your political views or your feelings about the Trump Administration – should condemn violence against federal officers and destruction of federal property. So should state and local leaders who have a responsibility to keep their communities safe. To tacitly condone destruction and anarchy is to abandon the basic rule-of-law principles that should unite us even in a politically divisive time. At the very least, we should all be able to agree that there is no place in this country for armed mobs that seek to establish autonomous zones beyond government control, or tear down statues and monuments that law-abiding communities chose to erect, or to destroy the property and livelihoods of innocent business owners. The most basic responsibility of government is to ensure the rule of law, so that people can live their lives safely and without fear. The Justice Department will continue working to meet that solemn responsibility.