

BILL BARR REFUSES TO “COMPLY FIRST, COMPLAIN LATER” WITH CONGRESSIONAL OVERSIGHT

A number of people have talked about how dangerous – and how outdated – is much of what Attorney General Bill Barr said to a police organization the other day. I’d like to take another approach with his speech: to show what it looks like when you replace “police” with a co-equal branch of government constitutionally empowered to police the Executive. The italicized words below have swapped out the original. I’ve underlined my own additions.

The anti-*oversight* narrative is fanning disrespect for the law. In recent years, we have witnessed increasing toleration of the notion that it is somehow okay to resist *oversight*.

Previously, it was well understood that, regardless of the circumstances, *legal* resistance is unacceptable because it necessarily leads to a spiral of escalating *resistance* that endangers the *ability of Congress to oversee the Executive*. For that reason, virtually all jurisdictions have made resistance a serious crime.

Not too long ago influential public voices – whether in the media or among community and civic leaders – stressed the need to comply with *oversight* commands, even if one thinks they are unjust. “Comply first” and, if you think you have been wronged, “complain later.”

But we don’t hear this much anymore. Instead, when an incident escalates due

to a suspect's *legal* resistance to *oversight*, that fact is usually ignored by the commentary. *Congress'* every action is dissected, but the suspect's resistance, and the danger it posed, frequently goes without mention.

We need to get back to basics. We need public voices, in the media and elsewhere, to underscore the need to "Comply first, and, if warranted, complain later." This will make everyone safe – the police, suspects, and the community at large. And those who resist must be prosecuted for that crime. We must have zero tolerance for resisting police. This will save lives.

[snip]

These anti-*oversight Attorneys General* have tended to emerge in jurisdictions where the *nomination process is undermined by an abuse of Vacancy Reform Act*. Frequently, these candidates get *rushed through because the incumbent is an entirely unqualified flunky and their confirmations are sometimes accompanied by* large infusions of money from outside groups.

Once in office, they have been announcing their refusal to enforce broad swathes of the criminal law. Most disturbing is that some are refusing to prosecute cases of resisting *oversight*.

Bill Barr doesn't believe any average American should ask questions before complying with those empowered to force them to abide by the law.

But his view is entirely different when it comes to his boss complying with the only body – given the OLC memos Barr has reinforced – with the authority to police Executive branch abuses. Indeed, he has (unsurprisingly) refused to enforce contempt citations, and has instead fostered the kind of disrespect for the law he

claims to believe in.