

December 20, 2018



**SERIOUS CONCERNS ABOUT THE NOMINATION OF WILLIAM BARR
TO BE ATTORNEY GENERAL OF THE UNITED STATES**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 74 organizations listed below, we write to express serious concerns about the nomination of William Barr to serve as Attorney General of the United States.

As the nation's top law enforcement officer and leader of the U.S. Department of Justice, the Attorney General is responsible for safeguarding our civil and constitutional rights. That is a core and enduring mission of the Justice Department, and the nation needs and deserves an Attorney General who is committed to that mission and to our country's ongoing progress toward equal justice and racial equality. The Attorney General must also operate with integrity and independence in service to the people, not the president.

For the past two years, the Justice Department has been led by an Attorney General intent on restricting civil and human rights at every turn.¹ From rollbacks in voting rights enforcement and LGBTQ rights to a reinvigoration of the "war on drugs" and extreme immigration policies, Attorney General Jeff Sessions used his office to carry out the extreme, anti-civil rights agenda he had advanced for decades in the U.S. Senate. This path of devastation has continued unabated in recent weeks under Acting Attorney General Matthew Whitaker, a hand-picked Trump White House loyalist whose very appointment may be unlawful.² The Justice Department and the nation need an Attorney General who will make a dramatic course correction and begin to enforce our federal civil rights laws with vigor and independence. William Barr is unlikely to do so.

In a recent op-ed, Mr. Barr called Mr. Sessions "an outstanding attorney general" and offered praise for his policies, many of which undermined civil rights.³ But Mr. Barr was completely silent about the one issue for which Mr. Sessions deserves actual praise: his decision to recuse himself from oversight of the investigation into Russia's interference in the 2016 election. This is a telling indication that Mr. Barr would continue the deeply disturbing anti-civil rights policies and priorities of the past two years. We will continue to review Mr. Barr's record, but what has been uncovered thus far bears this out. He holds troubling positions on criminal justice reform, LGBTQ equality, immigrant rights, and reproductive freedom.

¹ <https://civilrights.org/trump-rollbacks/>.

² <https://www.nytimes.com/2018/11/08/opinion/trump-attorney-general-sessions-unconstitutional.html>.

³ 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=.6996b10fe367.

Justice Reform: As Attorney General during the George H.W. Bush administration, Mr. Barr's draconian approach to law enforcement fostered a system of mass incarceration that disproportionately harmed communities of color across America.⁴ He endorsed a 1992 Justice Department report entitled "The Case for More Incarceration."⁵ More recently, he has been a vocal supporter of harsh mandatory minimum sentences,⁶ and he has alleged, inaccurately, that the Obama administration's pro-reform policies "undermined police morale, with the spreading 'Ferguson effect' causing officers to shy away from proactive policing out of fear or prosecution."⁷ These views are especially troubling at a time when there is overwhelming support from individuals across the political spectrum to reform the justice system.

LGBTQ Equality: Barr holds deeply disturbing views on LGBTQ equality. In a 1995 law review article, he argued for a return to "traditional morality" based on "natural law," and he criticized a Washington, D.C. law that prohibited Georgetown University from discriminating against LGBTQ student groups whose conduct he called "immoral."⁸ Mr. Barr has also advocated against interpreting federal laws to include gender identity,⁹ a position at odds with the holdings of many federal courts.

Immigrant Rights: Mr. Barr has defended controversial anti-immigrant positions. He expressed support for President Trump's discriminatory Muslim ban, calling it "squarely within both the president's constitutional authority and his explicit statutory immigration powers."¹⁰ Multiple federal courts rejected that position and struck down this version of the ban as unconstitutional. In 1992, Barr advocated for the inhumane policy of prohibiting HIV-positive immigrants approved for political asylum from entering the United States.¹¹

Reproductive Freedom: Barr has attacked women's reproductive freedom, championing policies that would deny contraceptive access and abortion services. At his 1991 Senate Judiciary Committee confirmation hearing to be Attorney General, Mr. Barr testified: "*Roe v. Wade* was wrongly decided and should be overruled."¹²

The media coverage surrounding the announcement of Mr. Barr's nomination has thus far focused on his criticism of the Mueller investigation, his troubling suggestion that the FBI should be investigating Hillary Clinton, and his defense of President Trump's disturbing decisions to fire Acting Attorney General Sally Yates and FBI Director James Comey. And the *Washington Post* has noted the hypocrisy

⁴ <https://slate.com/news-and-politics/2018/12/william-barr-jeff-sessions-new-attorney-general.html>.

⁵ <https://www.ncjrs.gov/pdffiles1/Digitization/139583NCJRS.pdf>.

⁶ <http://nafusa.org/wp-content/uploads/2016/01/Sentencing-Dear-Colleague-Letter-with-Attachment.pdf>.

⁷ 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=.6996b10fe367.

⁸ <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2355&context=tcl>.

⁹ 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=.6996b10fe367.

¹⁰ 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=.6db0727dd0d0.

¹¹ http://articles.latimes.com/1993-02-05/news/mn-1021_1_white-house.

¹² https://m.facebook.com/story.php?story_fbid=10155720791351813&id=18982436812.



of Mr. Barr's criticism of some Mueller prosecutors who have made a handful of political contributions to Democratic candidates, while Mr. Barr himself has made over \$500,000 to Republican candidates.¹³

Precisely because of the serious threats to our democracy posed by concerns about Mr. Barr's independence, we must be especially vigilant about the implications for his service as Attorney General on federal civil rights enforcement. Civil rights must remain a top priority for members of the Senate Judiciary Committee when Mr. Barr comes before them for his confirmation hearing in the new year. Mr. Barr bears the burden of demonstrating he will not continue the civil rights rollbacks we have seen during this administration. In addition, senators must secure assurances that Mr. Barr will recuse himself from the Russia investigation in light of his past comments, in order to prevent an appearance of impropriety.

At a time when the United States has a president who emboldens and enables forces of hate and division in the country; at a time when the Justice Department and the entire administration have embraced an anti-civil rights policy agenda; and when vulnerable communities across this nation are deeply terrified — of profiling, deportation, and even murder — people in America deserve better. They deserve an Attorney General who will promote racial equality, vigorously enforce our federal civil rights laws, and fight discriminatory barriers for the most vulnerable among us.

Sincerely,

The Leadership Conference on Civil and Human Rights

A. Philip Randolph Institute

American Civil Liberties Union

American Federation of State, County, and Municipal Employees (AFSCME)

Americans United for Separation of Church and State

Asian Americans Advancing Justice – AAJC

Asian Pacific American Labor Alliance, AFL-CIO

Autistic Self Advocacy Network

Autistic Women & Nonbinary Network

Bend the Arc: Jewish Action

Campaign for Youth Justice

Catholics for Choice

Center for American Progress

Center for Biological Diversity

Center for Law and Social Policy

Center for Popular Democracy

Clearinghouse on Women's Issues

Coalition on Human Needs

Community Catalyst

CPACS

¹³ https://www.washingtonpost.com/investigations/trump-has-blasted-muellers-team-for-political-donations-but-attorney-general-nominee-william-barr-has-given-more-than-500000/2018/12/11/dce5974a-fcb0-11e8-862a-b6a6f3ce8199_story.html?utm_term=.e3d73531cf84.

CREDO

Demos

Drug Policy Alliance

Earthjustice

Equal Rights Advocates

Equality California

Equality Ohio

Harm Reduction Coalition

Hollaback!

Human Rights Campaign

In Our Own Voice: National Black Women's Reproductive Justice Agenda

Jobs With Justice

Joint Action Committee

Kentucky Council of Churches

Lambda Legal

LatinoJustice PRLDEF

League of Conservation Voters

Muslim Advocates

NAACP

NAACP Legal Defense and Educational Fund, Inc.

NAACP of Tennessee

NARAL Pro-Choice America

National Abortion Federation

National Action Network

National Association of Human Rights Workers

National Association of Social Workers

National Center for Lesbian Rights

National Center for Transgender Equality

National Coalition of Anti-Violence Programs

National Council of Jewish Women

National Education Association

National Equality Action Team (NEAT)

National Health Law Program

National Immigration Law Center

National Institute for Reproductive Health

National Juvenile Justice Network

National Latina Institute for Reproductive Health

National Law Center on Homelessness & Poverty

National LGBTQ Task Force Action Fund

National Organization for Women

National Partnership for Women & Families

National Women's Law Center

National Women's Health Network



Pennsylvania Immigration and Citizenship Coalition
People For the American Way
PFLAG National
Prison Policy Initiative
Religious Coalition for Reproductive Choice
Sant La Haitian Neighborhood Center
SEIU
Southeast Asia Resource Action Center
UnidosUS
United Church of Christ
Voting Rights Forward
World Without Genocide