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/.
**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. He endorsed a 1992 Justice Department report entitled “The Case for More Incarceration.” More recently, he has been a vocal supporter of harsh mandatory minimum sentences, 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.” 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.” Mr. Barr has also advocated against interpreting federal laws to include gender identity, 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.” 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.

**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.”

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...

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

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