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September 19, 2017

Honorable Charles Grassley  
Chairman  
Judiciary Committee  
United States Senate  
Washington, D.C. 20510

Honorable Dianne Feinstein  
Ranking Member  
Judiciary Committee  
United States Senate  
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein,

We write today to express our strong opposition to the nomination of Thomas A. Farr to a seat on the U.S. District Court for the Eastern District of North Carolina. Mr. Farr has amassed a record that puts him at the forefront of an extended fight to disenfranchise African-American voters in his home state of North Carolina. Moreover, Mr. Farr has dedicated many years of his legal career to undermining the rights of workers who have experienced workplace discrimination. The Congressional Black Caucus believes that Mr. Farr's elevation to a lifetime seat on the federal bench would be a grave disservice to millions of North Carolinians who rely on the courts to uphold critical legal rights and protections.

Through his work, Mr. Farr has carved out a position for himself as the preeminent attorney for North Carolina Republicans seeking to curtail the voting rights of people of color. Indeed, Mr. Farr's deeply disturbing record opposing voting rights goes back decades. In 1992, as a lawyer for the Jesse Helms campaign, he defended the campaign when the Justice Department filed a complaint about its efforts to intimidate black voters. The campaign had engaged in a despicable scheme to discourage voter turnout, sending postcards to more than 100,000 North Carolinians, mostly African Americans, warning that they might be ineligible to vote and that they might be arrested for voter fraud if they came to the polls. Mr. Farr served as an attorney for the campaign during the time period in which the postcards were sent.

Mr. Farr also defended the State of North Carolina when it tried to enact one of the most discriminatory election laws in the country: one that the Fourth Circuit ruled had targeted African-American voters "with almost surgical precision." Not only did the law implement a strict voter photo ID requirement, it selectively and deliberately struck down several voting practices used mainly by voters of color. Mr. Farr has also fought for racially gerrymandered voting districts in North Carolina that would dilute the voting power of African Americans, at both the state

and federal level. For example, he opposed redistricting plans designed to afford more equitable representation to African-American voters, and advocated for schemes that would concentrate African-American votes in a smaller number of districts.

Moreover, Mr. Farr, who would have to rule on cases brought under Title VII of the Civil Rights Act of 1964, has championed eliminating legal protections for employment discrimination. He said, in his private capacity, that it was "better policy for the state" when the North Carolina Legislature eliminated the right of workers discriminated on the basis of race, religion, color, national origin, age, sex, or disability to bring any employment discrimination lawsuit in state court. He also successfully fought to invalidate a county ordinance that protected employees from discrimination. It is no surprise, therefore, that he has also spent years defending businesses that have sought to discriminate against workers and consumers. For example, Mr. Farr defended the car rental agency Avis when it was sued for denying African Americans the right to rent cars on the same terms as white customers.

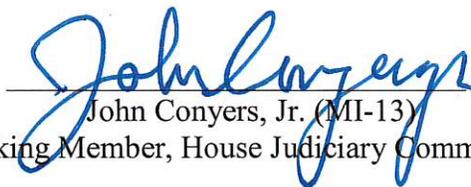
In our view, it is also not inconsequential that the seat for which Mr. Farr has been nominated was twice denied in recent years to nominees who are women of color. This seat currently represents the longest judicial vacancy in the country, in no small measure because Republicans refused to confirm two Obama judicial nominees, Jennifer May-Parker and Patricia Timmons-Goodson. Both were blocked by the withholding of a blue slip by Senator Richard Burr. If either May-Parker or Timmons-Goodson had been confirmed, it would have been the first time that an African-American judge sat on the Eastern District in the court's 143-year history.

Given all these concerns, we cannot state forcefully enough our opposition to the nomination of Thomas Farr. It is no exaggeration to say that had the White House deliberately sought to identify an attorney in North Carolina with a more hostile record on African-American voting rights and workers' rights than Thomas Farr, it could hardly have done so. We believe that Mr. Farr's record raises serious questions regarding his commitment to equal justice under the law that disqualifies him from service on the federal bench. Accordingly, we urge the Judiciary Committee to reject his nomination.

Sincerely,



Cedric L. Richmond (LA-02)  
Chair, Congressional Black Caucus



John Conyers, Jr. (MI-13)  
Ranking Member, House Judiciary Committee



Eleanor Holmes Norton (D.C.)  
Chair, CBC Judiciary Nominations Working Group



G.K. Butterfield (NC-01)  
Member of Congress