

January 17, 2017

Dear Senator,

On behalf of Alliance for Justice, a nationwide association representing a broad array of groups committed to justice and civil rights, I write to oppose the confirmation of Thomas Farr to the United States District Court for the Eastern District of North Carolina.

For years, Farr's career as an attorney in North Carolina has been closely associated with attacks on the rights of vulnerable citizens. Notably, Farr represented the campaign of Senator Jesse Helms at a time when the campaign was accused of taking part in conduct designed to intimidate black voters. As you know, serious questions have arisen as to whether Farr misrepresented his involvement in this scheme at his confirmation hearing, including statements made by a former Justice Department official. His nomination should absolutely not proceed while this cloud of doubt remains; AFJ, along with other organizations, has called for a new hearing for Farr so that these issues can be explored.

In addition to his work with the Helms campaign, Farr has been the go-to private attorney for partisan politicians in North Carolina in other efforts to dilute African-American votes and implement laws aimed at making it more difficult for communities of color to vote. Indeed, the courts have rebuked Farr's most recent voting rights cases. Farr unsuccessfully represented the North Carolina Legislature in *Cooper v. Harris*, in which the Supreme Court concluded that the Legislature had engaged in an unconstitutional racial gerrymander when it redrew two districts after the 2010 census. Farr also failed in his attempt to defend North Carolina's restrictive voter identification law. In this case, the Supreme Court denied review of the Fourth Circuit's decision that Republican legislators had enacted the law with discriminatory intent, "target[ing] African Americans with almost surgical precision."

Farr also has championed weakening, or even eliminating, legal protections for employment discrimination. He has said it was "better policy for the state" when the North Carolina Legislature eliminated the right of workers to bring any employment discrimination lawsuit in state court, an effort even Republicans in the Legislature realized had gone too far and quickly repealed. When the Legislature allowed a county to enact an anti-discrimination ordinance, Farr fought to have it invalidated.

Farr also has spent years working to undermine the rights of employees claiming unlawful and discriminatory employment practices. Farr defended a company when a supervisor said that "women with children should be at home and not employed in the workplace," that he would go to an employee's hotel room to "help [her] pick [her] panties off the floor," and that female employees were "stupid, retarded, and awful." Farr defended another company when a woman was denied a position because the job "was too hard and too rough for a woman." In addition, he defended Avis when it was sued for denying African Americans the right to rent cars on the same terms as white customers. While he repeatedly defended companies that discriminated against employees, he has rarely represented a victim of discrimination or advocated for strengthening laws that would protect women and people of color.

The seat to which Farr has been nominated, as well as his nomination itself, has an unusual history. Given Farr's extensive work to undermine voting rights for African-Americans, it is especially striking that Republicans' refusal to confirm two Obama judicial nominees, both women of color, has contributed to an extended vacancy in this seat. In addition, this is not the first time Farr has been nominated to fill this vacancy. President George W. Bush first nominated Farr in 2006 and nominated him again in 2007. Each

time, Farr's nomination failed to advance out of the Senate Judiciary Committee.

Farr has built his career on disenfranchising voters of color and stripping workers' protections, which raises serious questions whether he will be fair and unbiased as a judge. Given all these concerns, and as detailed in our report on his nomination issued prior to his hearing, which can be found at the following link, <https://www.afj.org/our-work/nominees/thomas-alvin-farr>, we call on the Judiciary Committee to reject Thomas Farr for the United States District Court for the Eastern District of North Carolina. We stand ready to answer any questions you may have about our conclusions regarding this nominee.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Aron", written in a cursive style.

Nan Aron