

April 30, 2019

Dear Senator,

On behalf of Alliance for Justice, a nationwide alliance representing 130 groups committed to justice and civil rights, I write to oppose the confirmation of J. Campbell Barker to the United States District Court for the Eastern District of Texas.

Since 2015, Barker has served as the Deputy Solicitor General for Texas. In that role, Barker has defended Texas's discriminatory voter ID law, fought immigrant rights and efforts to protect the environment; defended unconstitutional restrictions on women's access to an abortion; and defended businesses that discriminate against LGBTQ Americans. In addition, both as a private attorney and in government, Barker challenged the Affordable Care Act.

Barker also worked on a highly controversial case in which Texas sought to retry a man with an intellectual disability who, after his murder conviction was overturned on appeal, spent 32 years in prison. In addition, Barker defended the state's efforts to execute an African-American man based, in part, on a psychologist's testimony that the defendant's race made him statistically more likely to commit a violent crime.

As the Senate reviews the troubling positions Barker took as Deputy Solicitor General, it's important to note that Senate Republicans have previously articulated their belief that legal work done in an official government capacity is entirely subject to scrutiny as part of the judicial nomination process. As former-Judiciary Committee Chairman Chuck Grassley said in opposing Caitlin Halligan, then Solicitor General of New York, to be a judge on the D.C. Circuit, "Some of my colleagues have argued that we should not consider this aspect of [Caitlin] Halligan's record, because at the time she was working as the Solicitor General of New York. But, no one forced Ms. Halligan to approve and sign this brief."

Likewise, as Sen. Ted Cruz stated in May 2018, opposing Mark Bennett's nomination to the Ninth Circuit based on Bennett's work as Hawaii Attorney General, "[Bennett's] record as Attorney General of Hawaii, I believe, represents an advocacy position that is extreme and inconsistent with fidelity to law."

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/wp-content/uploads/2018/05/Barker-FINAL-Full-Report.pdf>, Alliance for Justice strongly opposes his confirmation to a lifetime seat on the federal bench. The Senate should reject J. Campbell Barker's nomination for the United States District Court for the Eastern District of Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Aron". The signature is fluid and cursive, with the first name "Nan" and the last name "Aron" clearly distinguishable.

Nan Aron