



The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
152 Dirksen Senate Office Building
Washington, D.C. 201510

January 17, 2018

**RE: LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW'S OPPOSITION
TO THOMAS FARR'S CONFIRMATION AS DISTRICT JUDGE FOR THE EASTERN
DISTRICT OF NORTH CAROLINA**

Dear Chairman Grassley and Senator Feinstein:

The Lawyers' Committee for Civil Rights Under Law writes to express our opposition to the nomination of Thomas Farr to serve on the United States District Court for the Eastern District of North Carolina.

The Lawyers' Committee is one of the nation's historic, nonpartisan, civil rights organizations, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity – work that continues to be vital nearly 55 years later. The mission of the Lawyers' Committee is to secure equal justice for all through the rule of law targeting in particular the inequities confronting African Americans and other racial and ethnic minorities.

Federal courts occupy a central place in American democracy. For African Americans and other disenfranchised minority groups, it has been the primary forum for seeking equal justice under the law. For the last several decades, minority groups have looked to the Court to vindicate their constitutional and civil rights. The Lawyers' Committee has reviewed the civil rights record underlying Thomas Farr's nomination. We are not able to support his nomination based on the current record. We have grave concerns about his commitment to fairly interpret and apply civil rights laws such as the Voting Rights Act of 1965 and the National Voter Registration Act.

Throughout his career, Thomas Farr has consistently defended policies and practices that suppress and dilute the rights of African American voters throughout the state of North Carolina. In 1992, Mr. Farr served as counsel for the Jesse Helms campaign where he defended the campaign against a formal complaint filed by the Department of Justice regarding its intimidation tactics of African American voters who were misled to believe that they were ineligible to vote and would be arrested if they did vote. In Farr's written testimony to the



Senate Judiciary Committee, he denied knowing about the mailings before they were mailed; however, in interviews Farr has stated that he was aware of the mailings.¹

Farr also represented the plaintiffs in *Shaw v. Hunt*, a case concerning a redistricting which would have severely diluted voting power for African Americans in North Carolina. Although Farr was ultimately unsuccessful in his representation, the overall lawsuit was partially successful in dismantling a redistricting plan that would have enhanced the voting power of African Americans.

Farr also served as defense counsel for the state of North Carolina after it attempted to enact one of the most discriminatory election laws in our country's history. The Fourth Circuit determined that this North Carolina election law targeted African American voters with "almost surgical precision."² The legislation reduced early voting hours, implemented a strict voter-ID requirement and selectively abolished certain voting practices with the goal of making it more difficult for African American voters to access the ballot box. Years later, Farr was opposing counsel in *Action N.C. v. Strach*, a case brought by the Lawyers' Committee for Civil Rights Under Law along with a coalition of civic organizations and voters against North Carolina state officials for their systemic violation of the National Voter Registration Act of 1993 (NVRA).

Beyond voting rights, Farr has also worked to weaken and eliminate legal protections for victims of employment discrimination. As an attorney, Farr repeatedly took positions that would make it more difficult for workers who face discrimination in the workplace to secure a remedy.³ In a statement responding to legislation being considered by the North Carolina Legislature that eliminated the right of workers to bring any employment discrimination lawsuit in state court, Farr stated that it was "better policy for the state."

In a case brought by the Washington Lawyers' Committee, Farr defended a car rental franchise in a case in which the plaintiffs alleged that certain car rental company franchises discriminated against African American customers by denying them equal access to car rentals.⁴ The parties ultimately resolved the litigation through a negotiated consent decree.

The Lawyers' Committee for Civil Rights Under Law continues to combat systemic racism and voter suppression in the state of North Carolina, where vestiges of segregation remain.⁵ Farr's extensive work to undermine voting rights for African Americans is especially painful given the

¹ Senator Cory Booker, December 13, 2017 [Letter to Thomas Farr](#).

² *N.C. St. Conf. of the NAACP v. McCrory*, 831, F.3d 204, 211, 219 (4th Cir. 2016).

³ *Williams v. Blue Cross Blue Shield*, 581 S.E.2d 415 (N.C. 2003); *Doyle-McTighe v. Pfizer*, No. 02-CV-606 (E.D.N.C. Aug. 4, 2004);

⁴ See *Pugh v. Avis*, No. 7:96-cv-00091-F (E.D.N.C. 1998); *Pugh v. Avis Rent a Car Sys.*, No. M8-85, 1997 U.S. Dist. LEXIS 16671, at *2 (S.D.N.Y. Oct. 28, 1997).

⁵ See: *John Hall, Elaine Robinson-Strayhorn, Lindora Toudle, Thomas Jerkins, et al., v. Jones County Board of Commissioners, et al.*; and *Action NC, et al. v. Kim Westbrook Strach, et al.*



obstruction of two of former President Obama's judicial nominees who are both outstanding and over-qualified women of color: Jennifer May Parker and Patricia Timmons-Goodson. For all of the reasons identified above, we stand in opposition to Thomas Farr's nomination to serve on the federal bench in North Carolina.

Sincerely,

A handwritten signature in purple ink that reads "Krista Clarke". The signature is written in a cursive style.

President and Executive Director
Lawyers' Committee for Civil Rights Under Law