



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NORTH CAROLINA STATE CONFERENCE

P.O. Box 335, Durham, North Carolina 27702
866-626-2227 ~ 919-682-4700 ~ Fax 919-682-4711
www.naacpnc.org ~ www.hkonj.com

Rev. Dr. William J. Barber, II
President

Dr. Terrance Ruth
Executive Director

September 20, 2017

The Honorable Charles E. Grassley, Chairman
The United States Senate Committee on the Judiciary
Washington, DC 20510
ceg@judiciary-rep.senate.gov

The Honorable Dianne Feinstein, Ranking Member
The United States Senate Committee on the Judiciary
Washington, DC 20510

via Electronic Mail

Re: Opposition to the Nomination of Thomas Farr to the Federal Judiciary

Dear Chairman Grassley, Ranking Member Feinstein, and the U.S. Senate Judiciary Committee:

On behalf of the North Carolina State Conference of the NAACP, I write to express our vigorous opposition to the nomination of Thomas Farr who is now being considered for a judicial appointment to the U.S. District Court for the Eastern District of North Carolina. There are a host of reasons that we express our opposition to this “bone-chilling” nomination, but we must first preface our position with some salient and critical history.

Eastern District Background and History

The Eastern District of North Carolina spans 44 counties and covers a majority of counties in the “Black Belt” of North Carolina where the greatest percentage of the state’s African American population resides. Despite this, due to rampant and pernicious racial discrimination, no African American has been appointed to serve as a federal district court judge in this district since the Reconstruction. Only two African Americans have ever been nominated to that position during that time, and both failed to even receive a vote from this Committee due to the refusal of the two sitting U.S. Senators from North Carolina to allow those exceptionally well-qualified nominees to even receive your consideration, resulting in the longest standing judicial vacancy in the federal judiciary in U.S. history.

Both African-American candidates whose nominations were stonewalled – Associate U.S. Attorney Jennifer Prescod May-Parker and former North Carolina Associate Supreme Court Justice

Patricia Timmons-Goodson – possessed superior qualifications, accomplishments, credentials and public support than are possessed by the present nominee for that position, Thomas Farr. Yet, the nominations of these two candidates did not advance to a hearing before this committee because Senators Tillis and Burr refused to issue a “blue slip” which would have allowed a hearing and a vote on these nominees. Senator Tillis presently serves as a member of this committee. Based on our review of the superior qualification of Associate Justice Timmons Goodson and Associate U.S. Attorney May-Parker, we concluded that the reason that the two nominees did not receive a hearing before this committee was race related.

These same two U.S. Senators now compound the racially unjust impact of their actions by advancing the nomination of Thomas Farr who has been a notorious and aggressive leader of political efforts in North Carolina to disfranchise African Americans, Latinos, and other people of color from voting, defended resegregation of North Carolina school districts, and championed efforts to thwart workers rights to challenge discrimination and harmful conditions in the workplace.

The North Carolina NAACP takes serious exception to this nomination and to the efforts by Senators Tillis and Burr to advance the nomination of an individual who has repeatedly demonstrated his open hostility to the protection of the constitutional and civil rights of African Americans, Latinos and the poor in this State. It is the position of the NC NAACP State Conference that if this nomination is confirmed, it represents an historic insult to justice and to the people of North Carolina.

It is no secret that there are serious racial divisions which exist in North Carolina. Thomas Farr consistently has placed himself on the side of that division which seeks to oppress racial minorities. With this background, which we will discuss hereafter, North Carolinians of color, who represent a significant segment of this state’s population, can have no faith that they will receive equal and un-biased justice before the U.S. District Court for the Eastern District of North Carolina. Farr’s confirmation will guarantee that, once again, racial minorities cannot be assured that they can receive justice within our federal court system.

Thomas Farr Background

Thomas Farr does not have the needed experience and does not possess the temperament necessary to serve in an impartial judicial position. What Thomas Farr does possess is a long record as an advocate for hyper-partisan, segregationist causes. A large percentage of these causes have involved efforts to undermine the ability of African Americans to vote. For example, Farr served as legal counsel to the 1984 and 1990 arch-segregationist Jesse Helms Senate campaigns for U.S. Senate. During that time, the Helms Campaign Committee sent over 125,00 post cards to African Americans, which wrongly and illegally warned that they were not eligible to vote and advised that they would be arrested and prosecuted for voter fraud if they appeared at the polls to vote. The U.S. Justice Department determined that Farr participated in several meetings regarding this effort and had been involved in earlier illegal efforts which the campaign described as “ballot security efforts.” Ultimately, the Helms Campaign Committee entered into a consent decree with the U.S. Justice Department to resolve this investigation.

Farr also represented the Helms Campaign Committee in 1984 when the Federal Election Commission (FEC) determined that the campaign had improperly accepted over \$700,000 in unlawful campaign contributions. The Helms Campaign Committee settled this claim by agreeing to pay a \$25,000 fine. In each of the above efforts, Farr served as a forceful advocate for right-wing segregationist political interests that aggressively sought to politically disadvantage racial minorities, to circumvent federal and State election laws and to undermine the participation of African Americans in the voting process.

More recently, Farr has been the lead attorney in a series of legislative efforts by the North Carolina General Assembly to deny expanded and successful opportunities for African Americans to vote. These expanded opportunities had resulted in significant increases by African Americans in voter registration and political participation. Under the leadership of then Speaker of the House Thom Tillis, the North Carolina General Assembly enacted a “Monster Suppression” bill (HB 589), which was determined to have been passed with racially discriminatory intent, in violation of the Constitution and the Voting Rights Act by the U.S. Court of Appeals for the Fourth Circuit. The Fourth Circuit concluded that the Tillis-led General Assembly had acted with “surgical precision” to disenfranchise African American voters. Thomas Farr first acted as an advisor to the General Assembly when this legislation was proposed and rushed into law, and then became lead counsel in a three-year unsuccessful legal battle to defend the unconstitutional law.

Prior to the “Monster Suppression” legislation, Farr advised the General Assembly when the State conducted its 2010 redistricting of the North Carolina House, the Senate and Congressional districts. In separate lawsuits, each of these redistricting plans was judicially determined to have discriminated against African American voters. Again, Thomas Farr was lead counsel in the General Assembly’s efforts to “stack and pack” African Americans into a few over-populated political districts resulting in more than six years of unconstitutional elections in the state of North Carolina.

This was not Farr’s first effort to aid in the manipulation of voting districts on behalf of right-wing opponents of the political empowerment of African Americans. In 1990, Farr led successful efforts to overturn congressional districts which resulted in the first elections of African Americans since 1900. In that litigation, Farr argued that the General Assembly did not have a compelling interest in creating congressional districts which could favor the election of an African American, even though the State’s historic “Jim Crow” practices had denied African Americans of opportunities to elect candidates of their choice for over 90 years.

In summary, Thomas Farr has been the lead attorney in attacking every modern effort in North Carolina to empower the state’s African American voters; and in most of case, he has been a public architect of the regressive and discriminatory backlash. Based on his outspoken history and aggressive litigious style of opposing African Americans and the rights of the vulnerable, African Americans have no trust or faith that Thomas Farr can be independent, fair, and impartial in serving as member of the esteemed federal judiciary.

For the reasons stated above, the North Carolina NAACP stands in vigorous opposition to the approval of the nomination of Thomas Farr as a federal judge for the U.S. District Court for the

Eastern District of North Carolina. We express these grave concerns for the Committee's consideration as it weighs this decision of historic magnitude, and stand ready to provide further comment and information in opposition to this nominee as would be helpful to inform this Committee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Barber II", written in a cursive style.

Rev. Dr. William Barber, II
President State Conference of the NC NAACP