



HUMAN
RIGHTS
CAMPAIGN®

March 6, 2018

Dear Senator:

On behalf of the Human Rights Campaign (HRC), America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality, I write to oppose the nomination of Thomas Farr for the United States District Court for the Eastern District of North Carolina. Farr's lengthy public record demonstrates he does not possess the ability to fairly judge cases involving civil rights, particularly the voting rights of African-Americans. For this reason, HRC urges you to oppose his nomination.

Mr. Farr has a record of hostility regarding the fundamental right to vote, and has spent his career undermining the opportunity for all North Carolina voters to meaningfully participate in the political process. Mr. Farr served as legal counsel to Senator Jesse Helms for nine years, working on Sen. Helm's 1984 and 1990 reelection campaigns.¹ Sen. Helms, an ardent supporter of segregation, sent campaign mailers to more than 100,000 African-Americans that misled them about their voting rights and threatened them with criminal prosecution for supposed voter fraud.² This move by Sen. Helms was specifically calculated to suppress African-American votes.³ When questioned about his involvement in this incident before the Senate Judiciary Committee in September 2017, Mr. Farr denied having knowledge of the mailers.⁴ However, the U.S. Department of Justice (DOJ) attorney who investigated the incident has directly contradicted Mr. Farr's account, claiming that Mr. Farr was in fact involved.⁵ Mr. Farr's handling of this issue both at the time and in subsequent questioning before this Committee raises significant questions about his honesty and character, as well as his respect for the voting rights of all citizens.

¹ Laura Pellicer and Frank Stasio, *Trump Nominates Former Jesse Helms Lawyer as Eastern NC District Judge*, WUNC.ORG (Jan. 9, 2018), <http://wunc.org/post/trump-nominates-former-jesse-helms-lawyer-eastern-nc-district-judge#stream/0>.

² Thomas Goldsmith, *Did Former Helms Lawyer Thomas Farr Lie to the Senate Judiciary Committee? It Sure Looks That Way*, INDYWEEK (Nov. 15, 2017), <https://www.indyweek.com/news/archives/2017/11/15/did-former-helms-lawyer-thomas-farr-lie-to-the-senate-judiciary-committee-it-sure-looks-that-way>.

³ Thomas Goldsmith and Erica Hellerstein, *Thomas Farr, Jesse Helms, and the Return of the Segregationists*, INDYWEEK (Jan. 3, 2018), <https://www.indyweek.com/indyweek/thomas-farr-jesse-helms-and-the-return-of-the-segregationists/Content?oid=10620860>.

⁴ Goldsmith, *supra* note 2.

⁵ *Id.*

Furthermore, Mr. Farr has chosen to defend racially discriminatory voting laws and gerrymanders on repeated occasions throughout his career.⁶ Most notably, Mr. Farr defended a sweeping North Carolina voter suppression law that was struck down by the Fourth Circuit for targeting African-American voters “with almost surgical precision.”⁷ In its opinion, the Fourth Circuit called the law at issue the “most restrictive voting law North Carolina has seen since the era of Jim Crow.”⁸ Despite this harsh criticism by the appeals court, Mr. Farr nonetheless appealed the decision to the U.S. Supreme Court which ultimately declined to hear the case.

Mr. Farr was twice previously nominated to this position by President George W. Bush in 2006 and 2007.⁹ Both times his nomination failed to advance out of committee.¹⁰ Given his poor track record with respect to the voting rights, it is clear why. Mr. Farr has demonstrated he is cannot adequately serve a diverse judicial district that includes seven counties with the state’s highest concentrated populations of African-Americans.¹¹

Any federal judge should have a demonstrated commitment to full equality under the law for all Americans. Only a nominee who has demonstrated that he can be a fair and impartial judge for all, regardless of race, is entitled to confirmation. Mr. Farr does not meet this standard. Accordingly, we urge you to vote against his lifetime appointment to a seat on the United States District Court for the Eastern District of North Carolina.

Thank you for your consideration. If you have any questions or need more information, please contact Government Affairs Director David Stacy at david.stacy@hrc.org.

Sincerely,



David Stacy
Government Affairs Director

⁶ Mr. Farr advocated for unconstitutional racially-discriminatory gerrymanders in *N.C. v. Covington*, 137 S. Ct. 1624 (2017) and *Cooper v. Harris*, 137 S. Ct. 1455 (2017). Mr. Farr also defended the state of North Carolina against alleged violations of the National Voter Registration Act in *Action N.C. v. Strach*, 216 F. Supp. 3d 597 (M.D.N.C. 2016). As far back as 1996, Mr. Farr was engaged in efforts to minimize African-American voting power, successfully challenging the creation of a district designed to improve African-American representation in *Shaw v. Hunt*, 517 U.S. 899 (1996).

⁷ *N.C. State Conf. of the NAACP v. McCrory*, 831 F.3d 204, 214 (4th Cir. 2016), *cert. denied* 137 S. Ct. 1399 (2017).

⁸ 831 F.3d at 229.

⁹ Gary D. Robertson, *Farr Gets Another Crack at North Carolina Federal Judgeship*, U.S. NEWS (July 13, 2017), <https://www.usnews.com/news/best-states/north-carolina/articles/2017-07-13/farr-gets-another-crack-at-north-carolina-federal-judgeship>.

¹⁰ *Id.*

¹¹ Pellicer, *supra* note 1.