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November 16, 2018

United States Senate
Washington, DC 20510

Dear Senator:

On behalf of our three million members and the 50 million students they serve, we strongly urge you to oppose the nomination of Thomas Farr to the U.S. District Court for the Eastern District of North Carolina. Throughout his career, Mr. Farr has endeavored to disenfranchise voters of color and deprive workers of their legal rights. He has repeatedly defended — and advocated for — racially discriminatory voter suppression and gerrymandering in North Carolina. Votes on this issue may be included in NEA’s report card for the 115th Congress.

Mr. Farr served as legal counsel to the racially charged 1984 and 1990 campaigns of former Senator Jesse Helms. The U.S. Department of Justice successfully challenged a postcard mailed by the 1990 campaign to more than 100,000 North Carolinians, most of whom were African Americans eligible to vote; the postcard suggested they were not eligible to vote and warned that going to the polls could lead to prosecution for voter fraud. Initially, Mr. Farr testified to the Senate Judiciary Committee that he was not involved in the unlawful mailing. After contrary reports surfaced, he conceded that he had been involved.

A few years later, Mr. Farr represented a group of white voters who challenged North Carolina’s 1992 congressional redistricting, which led to the election of two African Americans to the U.S. House of Representatives — the first since 1901. More recently, Mr. Farr defended North Carolina’s 2011 congressional redistricting plan, which the U.S. Supreme Court ultimately struck down as an unconstitutional racial gerrymander. He also defended North Carolina’s unconstitutional racial gerrymander of state legislative districts.

Mr. Farr was an ardent supporter of the 2013 voter suppression law the U.S. Court of Appeals for the Fourth Circuit threw out, describing it as “the most restrictive voting law North Carolina has seen since the era of Jim Crow.” The legislators who drafted the law requested data on voting practices broken down by race, and then eliminated practices disproportionately used by voters of color “with almost surgical precision,” the court said. Mr. Farr continued his defense before the U.S. Supreme Court, without the support of the state, after a new governor and attorney general took office in 2017 and declined to defend the law.

Mr. Farr also has a long history of attacking workers’ rights. He has consistently taken positions that undermine protections against race, sex, and disability discrimination; harassment; and unsafe working conditions. He has fought against workers’ rights on behalf of clients as well as

in his personal capacity. He described North Carolina's notorious bathroom law (House Bill 2), which required discrimination against transgender people and precluded all workers from bringing employment discrimination lawsuits in state court, as a "better policy for the state."

Early in his career, Mr. Farr opposed workers' freedom of association and collective bargaining. In 1981, he filed an amicus brief before the California Supreme Court supporting an unsuccessful challenge to the validity of a law establishing collective bargaining for state employees. His first legal job was as a staff attorney for the anti-union National Right to Work Foundation.

The seat Mr. Farr would fill has been vacant longer than any other seat in a federal district court. Two exceptionally qualified African Americans nominated by President Barack Obama — federal prosecutor Jennifer May-Parker and former state Supreme Court Justice Patricia Timmons-Goodson — received neither a hearing nor a vote. As North Carolina U.S. Representative G. K. Butterfield observed, "The counties in the Eastern District have a substantial African-American population [27 percent], but the Court does not reflect that diversity." The Eastern District has existed for nearly 150 years and never had an African American judge.

For all of these reasons, we strongly urge you to oppose Mr. Farr's nomination to the U.S. District Court for the Eastern District of North Carolina.

Sincerely,

A handwritten signature in black ink that reads "Marc Egan". The signature is written in a cursive, flowing style.

Marc Egan
Director of Government Relations
National Education Association