



CONSTITUTIONAL
ACCOUNTABILITY CENTER

January 10, 2019

The Honorable Lindsey Graham
U.S. Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
U.S. Senate Judiciary Committee
152 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein,

The Constitutional Accountability Center is dedicated to fulfilling the progressive promise of our Constitution's text, history, and values. We work in our courts, through our government, and with legal scholars to preserve the rights and freedoms of all Americans and to protect our judiciary from politics and special interests. As the Department of Justice (DOJ) is the chief enforcer of federal laws, including the Constitution, we plan to examine carefully the record of President Trump's nominee to the post of U.S. Attorney General, William Barr. However, from what has already come to light regarding Mr. Barr's record, **we write now to express concern about his confirmation.**

DOJ's [mission](#) is not only to "enforce the law and defend the interests of the United States," but also "to ensure fair and impartial administration of justice for all Americans." In order to carry out this critical mission, it is clear that the U.S. Attorney General—the head of DOJ—must possess: a deep commitment to the principles of liberty, equality, and fairness at the Constitution's core; a history of respecting substantive fundamental rights; and a demonstrated willingness to respect the whole Constitution and its values, whatever his or her own policy preferences, or those of the President.

Unfortunately, over the past two years, under Attorney General Jeff Sessions, DOJ's mission suffered. Attorney General Sessions wielded the great power of his cabinet position to [roll back](#) civil and human rights and to defer when President Trump instituted constitutionally problematic policies. As CAC made clear on January 6, 2017 when we wrote to you [opposing](#) the confirmation of then-Senator Sessions, "[h]is extreme views, at times defying the fundamental protections written in the text and underscored by the history of the Constitution, demonstrate an unwillingness to respect the rights of all persons as guaranteed by our national charter and run counter to the important mission of the Department of Justice." The low bar set by the record of former Attorney General Jeff Sessions (a record that Mr. Barr has praised [publicly](#)) must not be the standard by which this Committee and the Senate reviews Mr. Barr's nomination.

The country needs an Attorney General with a history of promoting fundamental constitutional principles that ensure liberty and equality for all Americans, along with the independence to prevent and curb abuses of power by the government.

We write to you because we are concerned Mr. Barr will not be the Attorney General the country needs. He has a troubling civil rights record, particularly on [LGBTQ rights](#), [reproductive freedom](#), [criminal justice](#), and [immigration](#)

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theusconstitution.org

1200 18th Street NW, Suite 501, Washington, D.C. 20036
Phone: 202-296-6889 | Fax: 202-296-6895

[policy](#). Furthermore, he has demonstrated a [bias](#) in the independent investigation into Russian interference in the 2016 election that calls into question his ability to be a check on the President who nominated him. We ask that you take seriously your constitutionally assigned advice-and-consent role by questioning him thoroughly on these issues during his confirmation hearing later this month.

The American people deserve an Attorney General who is committed to the rule of law and the constitutional values that make us free—liberty, equality, and fairness. With these values under threat, it is critical that our country has a Justice Department that is independent and impartial so that it may carry out its mission “to ensure fair and impartial administration of justice” for everyone.

If you have any questions or would like any additional information, please contact Kristine Kippins, Constitutional Accountability Center’s Director of Policy, at kristine@theusconstitution.org or (202) 296-6889 x313.

Respectfully,



Praveen Fernandes
Vice President of Public Engagement



Kristine A. Kippins
Director of Policy

cc: Senate Judiciary Committee members