

**HEARING ON THE NOMINATION OF WILLIAM BARR  
FOR UNITED STATES ATTORNEY GENERAL**

**ANSWERS BY DERRICK JOHNSON  
TO QUESTIONS FROM SENATOR MAZIE K. HIRONO**

**Questions From Senator Mazie K. Hirono:**

In your opening statement, you criticized the Trump Administration for curtailing the use of consent decrees to address abuse by police agencies. I specifically asked Mr. Barr about this topic during his confirmation hearing. I asked him whether he agreed with former Attorney General Jeff Sessions' memo in which he made it harder for the Justice Department's Civil Rights Division to enter into consent decrees to address systemic police misconduct. He responded that he "agree[d] with that policy."

Please describe the importance of consent decrees in addressing police abuse and the impact continuing former Attorney General Sessions' policy would have on civil rights enforcement more generally.

**ANSWER:** William Barr's response to your important question that he would, in fact, continue Jeff Sessions' policy to limit the ability of the Civil Rights Division to enter into consent decrees is extremely distressing. The authority of the Department of Justice to rely on the use of consent decrees is vitally important to its mission to enforce our federal civil rights laws. Consent decrees allow the Department to obtain defendants' compliance with civil rights laws without having to litigate cases to judgment. They are particularly effective in cases involving systemic abuse and misconduct by local police agencies. These decrees are joint, mutually binding agreements that set forth compliance plans for reform which usually include training, revision of policies and procedures, data collection and enhanced communication with local communities of color. Invariably, police agencies entering into consent decrees experience increased trust and confidence of the communities they serve. Restricting or eliminating their use in these cases undermines decades-long progress in achieving desperately needed reform of our criminal justice system.

It is also deeply disturbing that William Barr would restrict the Civil Rights Division from relying on consent decrees to address other systemic forms of discrimination. The Civil Rights Division has significantly utilized consent decrees over decades to address unlawful action by state and local governments in other areas of civil rights enforcement such as education and housing. Without this important enforcement tool, both defendants and the communities protected by our federal civil rights laws will suffer. Voluntary agreements, without a court-approved consent judgment, will be less effective in achieving compliance with civil rights laws. If consent decrees are not an option, the Department may be forced to pursue costly litigation that could have been otherwise avoided.

**HEARING ON THE NOMINATION OF WILLIAM BARR  
FOR UNITED STATES ATTORNEY GENERAL**

**ANSWERS BY DERRICK JOHNSON  
TO QUESTIONS FROM SENATOR PATRICK LEAHY**

1. During his first stint as Attorney General under President George H.W. Bush, Mr. Barr was adamant that “increasing prison capacity is the single most effective strategy for controlling crime.” In your view, is increasing prison capacity really the most effective strategy to control crime? If not, what in your opinion are the most effective strategies?

**ANSWER:** Increasing prison capacity is certainly not the most effective strategy to address crime, and that has been proven over the years. The United States is home to the world’s largest prison population. Expanded prison capacity and tough-on-crime laws have put an unprecedented number of non-violent offenders behind bars. The NAACP advocates for smarter, results-based criminal justice policies to keep our communities safe, including treatment for addiction and mental health problems, judicial discretion in sentencing, and an end to racial disparities at all levels of the justice system.

2. Mr. Barr also stated that he thought our justice system was “fair and didn’t treat people differently.” Based upon your own experience, does our justice system really treat every person the same regardless of the race or background of the individual?

**ANSWER:** Absolutely not. The justice system is anything but fair. The African-American community constantly experiences racial disparities at every point within the criminal justice process, through racial profiling, arrests, bail-setting, selective prosecution, jury selection, sentencing, prison conditions, and the effects of incarceration on re-entry. We see this in individual communities and on a national scale. We must work to ensure fairness in all components of the system.

3. Mr. Barr stated before this committee that while he once supported strong penalties on drug offenders, he now understands that things have changed since 1992. Are you concerned about Mr. Barr’s historic approach to drug crimes, and how he would handle such issues as Attorney General? What in your opinion is the best way to lower crime rates associated with drug use?

**ANSWER:** Yes, we are very concerned about Mr. Barr’s heavy-handed approach to incarcerating persons with drug offenses. This model has been proven ineffective and discriminatory, and now is universally rejected. Although African Americans and whites use drugs at similar rates, African Americans are arrested and imprisoned at higher rates. Specifically, only 12% of drug users are African American, yet nearly 40% of those arrested for drug offenses are African American. The result is that African Americans are imprisoned for drug offenses at rates almost six times that of whites. Flawed drug policies must be replaced with evidence-based practices that address the root cause of drug use and abuse. Rehabilitation and treatment programs must be expanded as alternatives to prison, and we must reduce sentencing for non-violent drug offenses and provide more discretion in their application.

4. As indicated in Mr. Barr's discussion with Senator Blumenthal, Mr. Barr stated that he believed it was the right thing under the law to segregate people with HIV who were seeking asylum in Guantanamo Bay. Was Mr. Barr correct when he said this policy was right under the law? Do you believe Mr. Barr handled that situation appropriately?

**ANSWER:** Mr. Barr was incorrect. A federal judge ruled that the segregation and indefinite detention of HIV-positive Haitians without medical care was in violation of the Constitution. The government was required to provide access to attorneys and to bring the HIV-positive patients to the U.S. for treatment. Mr. Barr's handling of the situation was appalling and inhumane.