



**National
Urban League**

*Empowering Communities.
Changing Lives.*

TESTIMONY OF

**MARC H. MORIAL
President and CEO
National Urban League**

Before the

Senate Committee on the Judiciary

On

The Nomination of William Pelham Barr to be Attorney General of the United States

January 16, 2019

Chairman Graham and Members of the Committee, thank you for the opportunity to testify on the nomination of William Barr to be Attorney General of the United States.

Founded in 1910, the National Urban League, headquartered in New York City, is a 109-year-old historic civil rights and urban advocacy organization. Driven to secure economic self-reliance, parity, power and civil rights for our nation's marginalized populations, the National Urban League works towards economic empowerment and the elevation of the standard of living in historically underserved urban communities.

The National Urban League has improved the lives of more than two million people annually through direct service programs that are run by 90 local affiliates in 36 states and the District of Columbia. The National Urban League also conducts public policy research and advocacy work from its Washington, D.C. bureau. The Urban League is a BBB-accredited organization and has earned a 4-star rating from Charity Navigator, placing it in the top 10 percent of all U.S. charities for adhering to good governance, fiscal responsibility and other best practices.

Mr. Chairman, on behalf of our entire Urban League Movement across the country, I urge the committee and the entire Senate to soundly reject the nomination of William Barr as the next Attorney General of the United States.

As the nation's top law enforcement officer and leader of the U.S. Department of Justice, the Attorney General is responsible for safeguarding our civil and constitutional rights. That is a core and enduring mission of the Justice Department. In light of this Administration's relentless attacks on the enforcement of our civil rights laws, our nation desperately needs and deserves an Attorney General who is committed to that mission and to our country's ongoing progress toward equal justice and racial equality. The Attorney General must also operate with integrity and complete independence in service to the people, not the president.

For the past two years, the Justice Department has been led by an Attorney General intent on restricting civil and human rights at every turn. From rolling back voting rights enforcement to reverting to failed and harmful criminal justice policies, Attorney General Jeff Sessions used his office to carry out the extreme, anti-civil rights agenda he had advanced for decades in the U.S. Senate. Under Jeff Sessions, we also witnessed extreme anti-immigrant policies and rollbacks in LGBTQ rights.

The nation needs an Attorney General who will dramatically change course and enforce federal civil rights laws with vigor and independence. Based on his alarming record, we are convinced that William Barr will not do so. Indeed, in a recent op-ed, Mr. Barr called Jeff Sessions "an outstanding attorney general"ⁱ and offered praise for his anti-civil rights policies. It's clear Mr. Barr intends to follow the same regressive roadmap Jeff Sessions has drawn.

As a civil rights and human service organization, we are in a unique position to see how egregiously this Administration not only fails to protect, but aggressively has rolled back, civil and voting rights laws that took years to achieve, at tremendous cost in blood and lives lost. We direct you to the extensive timeline, compiled by the Leadership Conference on Civil and Human Rights (LCCR), of rollbacks by this Administration over the last two years as strong evidence of what we face going forward.ⁱⁱ

We strongly believe that the confirmation of William Barr as Attorney General, who espouses former Attorney General Sessions' policies, would enormously exacerbate our nation's current civil rights crisis.

On December 11, 2018, the National Urban League submitted comprehensive commentsⁱⁱⁱ to the U.S. Commission on Civil Rights on evaluating the federal role in civil rights enforcement since 2016. Drawing on LCCR's rollback timeline, we raised the following concerns relative to Sessions' actions on various civil rights issues:

- Overturning a memo from former Attorney General Eric Holder aimed at reducing mass incarceration by avoiding mandatory sentencing. Sessions instead ordered federal prosecutors to begin seeking the maximum criminal charges possible.^{iv} This rollback once again disproportionately places African Americans and other minorities in the path of harsh mandatory minimum sentences leading to long term incarceration.

- Abandoning the Department of Justice's Smart on Crime initiative that had been hailed as a positive step forward in rehabilitating drug users and reducing costs of warehousing inmates.
- Ending the Community Oriented Policing Services' Collaborative Reform Initiative, a Justice Department program that helped to build trust between police officers and the communities they serve.
- Proposing to eliminate the Community Relations Service – a Justice Department office established by the Civil Rights Act of 1964 – a key tool that addresses discrimination, conflicts, and tensions in communities around the country.
- Announcing the Justice Department's 'school safety' plan – a plan that militarizes schools, overpolices children, and harms students, disproportionately students of color.
- Reversing a Justice Department policy clarifying that transgender workers are protected from discrimination under Title VII of the Civil Rights Act of 1964. This has major implications for Black transgender workers, 20% of whom were unemployed according to a 2015 U.S. Transgender Survey.^v
- Ordering a sweeping review of consent decrees with law enforcement agencies relating to police conduct – a crucial tool in the Justice Department's efforts to ensure constitutional and accountable policing. The department also tried, unsuccessfully, to block a federal court in Baltimore from approving a consent decree between the city and the Baltimore Police Department to rein in discriminatory police practices that the department itself had negotiated over a multi-year period.
- Filing a brief in the Supreme Court in *Husted v. A. Philip Randolph Institute* arguing that it should be easier for states to purge registered voters from their rolls – reversing not only its longstanding legal interpretation, but also the position it had taken in the lower courts in that case.

Mr. Barr has a troubling record that tells us that there will be no redress of the Sessions' blunders on civil rights. Of special concern to the National Urban League and our constituents is his record on criminal justice. African Americans face racial bias at every stage of the justice process. Therefore, federal civil rights enforcement in our justice system is critical to families and communities of color. Studies have found that Blacks are more likely to be stopped by the police, more likely to be detained while awaiting trial, are charged with more serious crimes for the same offenses, and sentenced more harshly than white people.

In 2018, after years of arduous work, we finally saw enactment of bipartisan legislation that finally begins to reform our criminal justice system through the First Step Act. We also achieved the long overdue reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 through the Juvenile Justice Reform Act of 2018. *William Barr's record on criminal justice places these achievements at serious risk and gives us no confidence that these hard-fought reforms would be implemented:*

- As Attorney General under George H.W. Bush, Barr pursued harsh criminal justice policies that escalated mass incarceration and the foundering "war on drugs".

More recently and alarmingly, he has supported mandatory minimum sentences and latitude for abusive police officers.

- In 1992, Barr published a book by the Department of Justice called "The Case for More Incarceration," which argued that the country was "incarcerating too few criminals."
- After serving as attorney general, Barr led efforts in Virginia to abolish parole in the state, build more prisons, and increase prison sentences by as much as 700 percent.

Attorney General is one of the most important positions in the entire Federal government. The Justice Department has a duty to vigorously enforce some of our nation's most critical laws; to protect the rights and liberties of all Americans; and to serve as an essential independent check on the excesses of an Administration. The evidence is overwhelmingly clear that William Barr is unfit to serve as chief enforcer of our civil rights laws. We therefore strongly urge the Senate Judiciary Committee and the entire United States Senate to reject the nomination of William Barr as our next Attorney General.

Thank you for the opportunity to testify and I look forward to your questions.

ⁱSee, https://www.washingtonpost.com/opinions/jeff-sessions-can-look-back-on-a-job-well-done/2018/11/07/527e5830-e2cf-11e8-8f5f-a55347f48762_story.html?utm_term=.6996b10fe367.

ⁱⁱTrump Administration Civil and Human Rights Rollbacks, 2017, 2018, The Leadership Conference on Civil and Human Rights, Accessed at <https://civilrights.org/trump-rollbacks/>

ⁱⁱⁱU.S. Commission on Civil Rights Briefing Are Rights a Reality? Evaluating Federal Civil Rights Enforcement, November 2, 2018, Written Comment Submitted by Marc H. Morial President and CEO National Urban League December 11, 2018.

^{iv}MEMORANDUM FOR ALL FEDERAL PROSECUTORS, FROM THE ATTORNEY GENERAL, Department Charging and Sentencing Policy, Accessed at <https://www.justice.gov/opa/press-release/file/965896/download>

^v2015 U.S. Transgender Survey, Report on the Experiences of Black Respondents, Accessed at <http://www.transequality.org/sites/default/files/docs/usts/USTSBlackRespondentsReport-Nov17.pdf>