



January 9, 2018

The Honorable Lindsey Graham
Chair, United States Senate Committee on the Judiciary

The Honorable Dianne Feinstein
Ranking Member, United States Senate Committee on the Judiciary

Dear Chairman Graham and Ranking Member Feinstein,

On behalf of NARAL Pro-Choice America's two million member-activists, I write to express strong opposition to the nomination of William Barr to the post of United States Attorney General. Given his long record of hostility towards reproductive rights and access to basic health-care services, Barr has demonstrated that he is not fit to carry out the responsibilities of this position.

The Department of Justice (DOJ) is charged with enforcing the law and defending the interests of the United States, ensuring public safety, and ensuring fair and impartial administration of justice for all Americans.¹ This charge inherently includes protecting the fundamental right to abortion as guaranteed by the Fourteenth Amendment, as well as defending the safety of those Americans who provide and/or access abortion care. Put simply, William Barr's lengthy record leaves no doubt that he is incapable of faithfully administering the law as it relates to reproductive rights.

Barr has made no secret of his disdain for abortion rights and the legal precedents that have affirmed them. In his 1991 confirmation hearing before the Senate Judiciary Committee, Barr said outright that he "do[es] not believe the right to privacy extends to abortion" and that he "believe[s] *Roe v. Wade* should be overruled."² In an interview after the *Planned Parenthood v. Casey* decision came down, Barr affirmed his belief that *Roe* should be overturned and emphasized his prediction that it would eventually be overturned because "it does not have any constitutional underpinnings."³ In the same interview, Barr said that under his leadership, the Department of Justice would "continue to do what it's done for the past 10 years and call for the overturning of *Roe v. Wade* in future litigation."⁴ There is no reason to believe he would do any different under this new, even more hostile administration.

While Barr was at its helm, the DOJ did far more to attack abortion rights than simply to call for *Roe's* demise. DOJ intervened in a federal case regarding protesters at abortion clinics, asking the court to stay an injunction that prohibited the extremist anti-choice group, Operation Rescue, from blocking access to clinics and physically harassing staff and patients.⁵ The federal judge overseeing the case wrote that he was "disgusted by this move by the United States."⁶ Barr also used his authority as attorney general to vehemently oppose the landmark Freedom of Choice Act (FOCA), a bill to codify the protections of *Roe v. Wade* into law. He wrote several letters to Congress critiquing the bill, asserting that it would implement "an unprecedented

regime of abortion on demand,” and highlighting that if it were passed, he would urge the President to veto it.⁷

While his actions as attorney general are striking, his activism in opposition to reproductive rights has not been limited to his professional capacity. In his personal writings as well as in several speeches, Barr has decried “a mounting assault on traditional values” that he blames on “thirty years of permissiveness, the sexual revolution, and the drug culture.”⁸ He has lamented that the results of this so-called “battering” of the family include “soaring illegitimacy rates,” “1.5 million abortions per year,” and the fact that “the number of Americans, including Catholics, who consider abortion a moral evil is steadily declining.”⁹ Barr also took it upon himself to warn the American Bar Association (ABA) against taking sides on the “divisive political issue” of abortion, noting that having a position in support of abortion rights might “endanger the ‘essential’ perception of the ABA as impartial and politically neutral.”¹⁰ It is ironic that Barr was so concerned with the perception of neutrality from the American Bar Association, but clearly had no similar concern when it came to his actions as attorney general.

All told, William Barr’s fundamental opposition to reproductive rights renders him unfit to fulfill the vastly important duties of the United States Attorney General. Rather than enhancing and protecting women’s access to basic health care, Barr’s record demonstrates that he is committed to executing an extreme agenda that would put women’s health at risk. These views are wholly out of step with the majority of Americans, the majority of whom support access to safe and legal abortion.

Someone so deeply biased against fundamental freedoms simply cannot successfully lead the Department of Justice. For that reason, I urge you to oppose William Barr for this office.

Sincerely,

NARAL Pro-Choice America

¹ The United States Department of Justice website at <https://www.justice.gov/about> (last visited January 8, 2019)

² *Confirmation Hearing Before the U.S. Senate Committee on the Judiciary: William Barr*, C-SPAN (November 13, 1991), <https://www.c-span.org/video/?c4765758/barr-roe>

³ Rowland Evans and Robert Novak, *Bill Barr Interview*, CNN (July 4, 1992)

⁴ *Ibid.*

⁵ *Justice Dept. Joins Wichita Case, Backing Antiabortion Protestors*, WASHINGTON POST (Aug. 6, 1991), https://www.washingtonpost.com/archive/politics/1991/08/07/justice-dept-joins-wichita-case-backing-antiabortion-protestors/9f95ffab-0b6c-4142-bd31-76949c6f8a5d/?utm_term=.8ab64037d06f

⁶ *Ibid.*

⁷ *Letter from Attorney General William P. Barr to Senator Edward Kennedy*, OFFICE OF THE ATTORNEY GENERAL (July 1, 1992), 16 U.S. Op. Off. Legal Counsel 1 (O.L.C.), 1992 WL 479535; Sharon LaFraniere, *Barr Attacks Abortion-Rights Bill; Curb on State Restrictions Goes Beyond Roe, Attorney General Says*, THE WASHINGTON POST (March 4, 1992)

⁸ William P. Barr, *Legal Issues in a New Political Order*, 36 Cath. Law. 1 (1995); Remarks of William P. Barr, Catholic League for Religious and Civil Rights Dinner (Oct. 6, 1992)

⁹ *Ibid.*

¹⁰ Sandra Torry, *Lawyers’ Group Votes to Back Abortion Rights; Two-year Stance of Neutrality Abandoned*, THE WASHINGTON POST (Aug. 12, 1992)