



William Barr

President Trump nominated William Barr to serve as Attorney General on December 7, 2018. Barr is anti-choice.

Career

- Bachelor of Arts, Columbia University, 1971
- M.A., Columbia University, 1973
- Analyst, Central Intelligence Agency, 1973-1977
- J.D., George Washington University, 1977
- Clerk, Hon. Malcom Wilkey, U.S. Court of Appeals for the District of Columbia Circuit, 1977-1978
- Associate, Shaw, Pittman, Potts & Trowbridge, 1978-1982
- Senior Policy Advisor/Deputy Assistant Director, Office of Policy Development, Reagan White House, 1982-1983
- Associate, Shaw, Pittman, Potts & Trowbridge, 1983-1984
- Partner, Shaw, Pittman, Potts & Trowbridge, 1985-1989
- Assistant Attorney General, Office of Legal Counsel, 1989-1990
- Deputy Attorney General, Office of the U.S. Attorney General, 1990-1991
- U.S. Attorney General, 1991-1993
- Partner, Shaw, Pittman, Potts & Trowbridge, 1993-1994
- Senior Vice President and General Counsel, GTE, 1994-2000
- Executive Vice President and General Counsel, Verizon Communications, 2000-2008
- Self-Employed Consultant, 2011-Present
- Counsel, Kirkland & Ellis, 2009, 2017-Present

Record on Choice-Related Issues

- During his 1991 Senate confirmation hearing, Barr was asked for his “point of view with respect to a woman’s right to choose.”¹ He responded, “I haven’t taken a position on it publicly, I don’t believe. I believe that there is a right to privacy in the Constitution. I do not have fixed or settled views on the exact scope of the right to privacy. I do not believe the right to privacy extends to abortion, so I think that my views are consistent with the views that have been taken by the Department since 1983, which is that *Roe v. Wade* was wrongly decided and should be overruled... I believe *Roe v. Wade* should be overruled. I think that the basic issue is whether or not abortion should be something that is decided by society, by the people, the extent to

which it is permitted, the extent to which it is regulated, that those are legitimate issues for state legislatures to deal with, and that's where the decision-making authority should be. *Roe v. Wade* basically, in my view, took it away from the states and found an absolute right in the Constitution, foreclosed any kind of role for society to place regulations on abortion, and I don't think that opinion was the right opinion.”²

- Barr authored a letter to the Senate expressing the Department of Justice’s strong opposition to the Freedom of Choice Act (FOCA), landmark legislation to codify *Roe v. Wade*’s protections, and asserting that he would advise President George H.W. Bush to veto it should it be enacted by Congress.³ Barr gave numerous reasons for his opposition to FOCA, including that FOCA would “prohibit States from enacting reasonable regulatory restrictions on abortions clearly permitted under *Roe v. Wade* and its progeny;” that the bill did not expressly allow states to require parental notification and consent before a young woman could access abortion; that “the bill does not permit institutions to refuse to perform abortions;” and that nothing in the bill would “permit a state to deny the use of a state facility” for abortion.⁴ He also noted that the bill “contain[ed] no exception” for various states’ biased counseling and mandatory delay requirements.⁵ Barr went on to assert that Congress did not have the authority to pass FOCA, and to suggest that abortion law should be left to the states, a common anti-choice talking point.⁶
 - Barr wrote a similar letter to Rep. Henry Hyde claiming that FOCA “would impose on all 50 states an unprecedented regime of abortion on demand going well beyond the requirements of *Roe v. Wade*.”⁷
- Barr wrote an article for the *Catholic Lawyer* entitled *Legal Issues in a New Political Order* in which he decried “efforts to marginalize or ‘ghettoize’ orthodox religion” and warned of “an erosion of the Catholic base.”⁸ Throughout the article Barr made numerous ridiculous and offensive assertions, including the following:⁹
 - “It is undeniable that, since the mid-1960s, there has been a steady and mounting assault on traditional values. We have lived through thirty years of permissiveness, the sexual revolution, and the drug culture. Moral tradition has given way to moral relativism. There are no objective standards of right and wrong. Each individual has his or her own tastes and we simply cannot say whether or not those tastes are good or bad. Everyone writes their own rule book. So, we cannot have a moral consensus or moral culture in society. We have only the autonomous individual. After thirty years of this upheaval, what can we say about its results? Has it contributed to the sum total of human happiness? The facts speak for themselves. We are all familiar with them. We have had unprecedented violence. We have had soaring juvenile crime, widespread drug addiction and skyrocketing venereal diseases. In fact, the more we educate people about venereal disease, the more it has increased.

We have 1.5 million abortions per year and record psychiatric disorders. Teenage suicide has tripled in just twenty years.”

- “Of course, the most significant feature of contemporary society has been the battering that the family has taken. Today in America, we have soaring illegitimacy rates. Almost thirty percent of children are born out of wedlock -- quadrupling in just twenty-five years. In many inner city areas, the illegitimacy rate is eighty percent. We have among the highest divorce rates in the world. Divorce is as common as marriage. As a consequence, we now have the highest percentage of children living in single parent households.”
- “The state no longer sees itself as a moral institution, but a secular one. It takes on the role of the alleviator of bad consequences. The state is called upon to remove the inconvenience and the costs associated with personal misconduct. Thus, the reaction to disease and illegitimacy is not sexual responsibility, but the distribution of condoms; our approach to the decomposition of the family is to substitute the government as the ‘breadwinner;’ the reaction to drug addiction is to pass out needles.”
- “Through legislative action, litigation, or judicial interpretation, secularists continually seek to eliminate laws that reflect traditional moral norms. Decades ago, we saw the barriers to divorce eliminated. Twenty years ago, we saw the laws against abortion swept away. Today, we are seeing the constant chipping away at laws designed to restrain sexual immorality, obscenity, or euthanasia. These developments are very serious and cannot be viewed with equanimity. We cannot just worry about our own private morality. The content of the law plays a very important part in framing and shaping the moral culture of the society -- morality will follow the law. What is made legal will ultimately be viewed, by most people, as moral. There is no better example of this than abortion. Prior to the United States Supreme Court's decision in *Roe v. Wade*, the vast majority of Americans believed that abortion was a moral evil, an abomination, and a scandal. Since *Roe*, the number of Americans, including Catholics, who consider abortion a moral evil is steadily declining.”
- “Laws are proposed that treat a cohabitating couple exactly as one would a married couple. Landlords cannot make the distinction, and must rent to the former just as they would to the latter. This kind of law declares, in effect, that people, either individually or collectively, may not make moral distinctions or say that certain conduct is good but another is bad. Another example was the effort to apply District of Columbia law to compel Georgetown University to treat homosexual activist groups like any other student group. This kind of

law dissolves any form of moral consensus in society. There can be no consensus based on moral views in the country, only enforced neutrality.”

- “Catholics are less and less equipped to deal with the marketplace of ideas that exists today. What good is it for us to charge up a hill and fight issues -- whether abortion, tax exemption, or foster care -- when there are fewer and fewer people following the leadership of the Church? This seems to have grave consequences for the Church as a whole. If the Catholic faithful do not take the hierarchy seriously, why should anybody else in the political structure? It is no accident that the homosexual movement, at one or two percent of the population, gets treated with such solicitude while the Catholic population, which is over a quarter of the country, is given the back of the hand.”
 - Barr gave a speech to the Catholic League for Religious and Civil Rights in which he repeated many of the same points but added the following:¹⁰
 - He referenced Henry Hyde, the author of the discriminatory “Hyde Amendment” prohibiting coverage of abortion for low-income women, as a “legendary figure” who “had such a profound impact on the life of our nation” and did “so much to uphold traditional values.”
 - He defended Christopher Columbus, saying: “There are some people who see the year 1492 as a watershed of evil, the onset of a brutal imperialism. The critics of Columbus focus on the cruelty that the Europeans are said to have brought to the Americas. The truth, of course, is that in 1492 cruelty, slavery, and injustice were not new to these shores. They have been part and parcel of human history in all times and in all places.”
 - “Through a series of misguided court opinions, secularization has been taken to the point where there can no longer be any moral content in public education. Bureaucrats and secular activists have filled this vacuum with curricula that affirmatively promote moral relativism and at times, actively encourage licentiousness. In pursuing this agenda, the State has sought to diminish the role of the parent and encourage children to go behind their parents’ backs. And so, we see, for example, in New York’s condom distribution program, students told they have a ‘sexual bill of rights’ including the right to determine ‘whether to have sex and who to have it with,’ and they are encouraged to bypass their parents if they need help.”
- In a CNN appearance after the *Planned Parenthood v. Casey* Supreme Court decision, Barr said, “We don’t select judges to decide one specific case. We select judges

because of their overall philosophy, and generally I am pleased with the direction of the Supreme Court over the last 12 years. I was disappointed in this decision, the abortion decision. I felt it was a mixed bag. It's a step in the right direction because it does allow the states greater latitude in placing reasonable restrictions on abortion. But it doesn't go far enough in my view. I think *Roe v. Wade* should be overturned." He continued, "I think that *Roe v. Wade* will ultimately be overturned. I think it'll fall of its own weight. It does not have any constitutional underpinnings."¹¹

- Of the direction of the Department of Justice, Barr said: "I think this department will continue to do what it's done for the past 10 years and call for the overturning of *Roe v. Wade* in future litigation."¹²
- Of the pro-choice movement, Barr said: "Certain elements of the pro-choice movement... seem to be defending a very extreme position, which is abortion on demand, abortion as a method of birth control, no reasonable restrictions on it, no parental notice, no parental consent. That's a very extreme position and I think we're headed in the right direction to allow the state legislatures to place reasonable restrictions on abortion."¹³
- When a commentator suggested that Republican-appointed judges were not reliable conservative votes on the courts, Barr said: "Well, I flatly disagree with that. I think you have to look at the big picture. In the '60s and '70s we had a radical, extreme judiciary in this country from the Supreme Court on down. And through a - through 12 years of appointments, the law in virtually every area has moved more into the common-sense realm. In criminal law particularly we've had numerous victories, and now the criminal is starting to deal - protect the rights of society against the predator. And across the board, decisions are becoming more reasonable, and I believe that, as we continue to pick judges who exercise judicial restraint, ultimately we will see the demise of *Roe v. Wade* and other vestiges of the Warren Court years."¹⁴
- The Justice Department, where Barr was Deputy Attorney General at the time, "joined forces...with an anti-abortion group fighting a federal judge's order banning protestors from blocking access to two abortion clinics."¹⁵ DOJ intervened in the case and asked the court to stay an injunction that prohibited "Operation Rescue and its followers from blocking access to the clinics and physically harassing staff and patients, or encouraging others to do so."¹⁶ The judge in the case, District Judge Patrick Kelly, wrote that he was "disgusted by this move by the United States."¹⁷ Barr defended DOJ's actions in his 1991 confirmation hearing, and said, "My feeling there is that if the class that's being invidiously discriminated against are pregnant women, that's not what's happening here. These people were not invidiously discriminating or demonstrating against all pregnant women, they were against abortion, both the patients and the people performing the abortion."¹⁸

- DOJ's decision to intervene on behalf of Operation Rescue is particularly notable given that Operation Rescue has played a key role over the years in stoking the aggression of the anti-choice movement's most extreme actors. Its aggressive clinic protest activities have been identified by observers as "terrorism." Operation Rescue president Troy Newman has personally gone so far as to call for the government to execute of abortion providers, and its Senior Vice President Cheryl Sullenger has served prison time for attempting to bomb an abortion clinic.
- Barr joined anti-choice former-attorney-general John Ashcroft and others in signing an amicus brief in opposition to the Affordable Care Act's contraceptive-coverage policy, arguing that the policy "compel[s] religious organizations to alter their relations with employees so as to become complicit in what they sincerely view as sinful conduct."¹⁹
- Barr was serving as Executive Vice President and General Counsel at Verizon in 2007 when the company tried to block NARAL's own text program on its network.²⁰ The program allowed NARAL members to opt to receive text messages from our organization. Verizon cited a "right to block 'controversial or unsavory' text messages" as a reason for its decision to censor NARAL's content.²¹ The company later reversed its position after widespread public pushback.²²
- Barr has multiple connections to the American Legislative Exchange Council (ALEC), a conservative, anti-abortion, pro-corporate interest group. ALEC promotes anti-abortion, anti-voting, anti-worker, and anti-ACA policies in state legislatures. Verizon, when Barr was an Executive VP, funded and worked with ALEC to advance pro-corporate policies in state legislatures. Barr also worked with ALEC directly on pro-prison laws when he was attorney general under the Bush Administration.²³
- Barr was a member of the Catholics for McCain National Steering Committee, along with many other anti-choice activists including Marjorie Dannenfelser, President of Susan B. Anthony List, Frank Cannon, Susan B. Anthony List treasurer, and Andresen Blom, former director of Hawaii Right to Life.²⁴
 - Barr also served as a member of John McCain's "Justice Advisory Committee," intended to assist him in selecting judicial nominees.²⁵ Other members of the Committee included staunch anti-choice figures Sam Brownback, John Kyl, and Trent Lott. As the New Republic noted, "No member of the committee who has been active on reproductive health issues represents a pro-choice or even a moderately pro-life position."²⁶

- When the American Bar Association first took a public position of support for abortion rights, Barr wrote a letter “warn[ing] that taking sides ‘on this divisive political issue’ would endanger the ‘essential’ perception of the ABA as impartial and politically neutral.”²⁷
- Barr has been active in the Federalist Society.²⁸ The Federalist Society is led by Leonard Leo, the anti-choice activist who is heavily involved in selecting Trump’s Supreme Court and lower court nominees. Leo has been outspoken in his anti-choice views, calling abortion “an act of force” and “a threat to human life,”²⁹ and serves as co-chairman of Students for Life,³⁰ a group whose mission is to “abolish abortion.”³¹
- Barr wrote letters of support for several anti-choice judicial nominations, including: the nomination of Samuel Alito to the U.S. Supreme Court, the nomination of Brett Kavanaugh to the U.S. Court of Appeals for the D.C. Circuit.³²
- According to the Washington Post, “Barr has donated more than \$567,000 in the past two decades, nearly all to GOP candidates and groups.”³³
 - Barr has donated to at least 16 current and incoming Senators who will consider his nomination: Lamar Alexander (R-TN)³⁴, Chuck Grassley (R-IA)³⁵, Mitt Romney (R-UT)³⁶, John Kyl (R-AZ)³⁷, Susan Collins (R-ME)³⁸, David Perdue (R-GA)³⁹, Rob Portman (R-OH)⁴⁰, Todd Young (R-IN)⁴¹, Roy Blunt (R-MO)⁴², Pat Toomey (R-PA)⁴³, Tom Cotton (R-AR)⁴⁴, Mike Braun (R-IN)⁴⁵, Ted Cruz (R-TX)⁴⁶, Marsha Blackburn (R-TN)⁴⁷, Josh Hawley (R-MO)⁴⁸, and Martha McSally⁴⁹.
 - This year alone, Barr funded the campaigns of three incoming senators and two incumbents: Hawley, Blackburn, Braun, Cruz, and Cotton.⁵⁰
 - Barr also donated to the unsuccessful senate campaigns of Dean Heller⁵¹ and Martha McSally⁵².
 - Barr gave \$10,000 to the National Republican Senate Committee in October 2018.⁵³

Record on Other Key Issues

- Barr joined fellow former Republicans Attorney General Edwin Meese and Dick Thornburgh in filing a scathing amicus brief in opposition to the Affordable Care Act in *Commonwealth of Virginia v. Sebelius*.⁵⁴ The brief alleges that in passing the ACA, “Congress sought to dragoon healthy individuals into the insurance market,” and insists that “no analytical gymnastics” could justify the Act.⁵⁵
- Barr wrote an op-ed defending President Trump’s firing of Sally Yates after she instructed the Department of Justice not to defend Trump’s discriminatory Muslim

ban.⁵⁶ He wrote that “her action was unprecedented and must go down as a serious abuse of office.”⁵⁷

- Barr wrote a letter to the editor decrying a 1990 crime bill that he opposed because he viewed it as an obstacle to enforcing capital punishment.⁵⁸ According to Barr, “the ‘racial justice’ provisions of the bill would erect a virtually irrebuttable presumption of racial bias in capital sentencing based on raw statistical comparisons” and “a bill that fosters further delay and injects racial statistics in death penalty cases in no sense promotes justice.”⁵⁹
- Barr served as Director of the Board of Advisors for the Becket Fund for Religious Liberty for 21 years.⁶⁰ Becket is the firm behind the *Hobby Lobby* and *Little Sisters of the Poor* cases, as well as at least six other challenges to the Affordable Care Act’s contraceptive-coverage policy.⁶¹ The organization is also strongly opposed to LGBTQ rights, and supported California’s discriminatory Proposition 8 and opposes allowing same-sex couples to adopt.⁶²
- Barr, who was listed as a Senior Associate Fellow at the Heritage Foundation, gave a speech to the group on his theories about crime and the family.⁶³ In the speech, Barr praised as “accomplish[ments]” many of the worst criminal justice policies of the 1980’s: “We abolished parole at the federal level and gave strong minimum sentences and so forth. We had an unfinished agenda – the death penalty, habeas corpus reform, expansion of the good faith exception to the exclusionary rule.” He also expressed his belief that “the welfare policies we have been pursuing since 1965 contain perverse incentives that have contributed to the breakdown of the family by rewarding and promoting non-marriage and illegitimacy.” He reiterated his belief that the so-called “breakdown of the family” is responsible for crime and poverty.
- While Attorney General, Barr published a report entitled “The Case for More Incarceration” in which he disputed the idea of over-incarceration and wrote that “the truth, however, is...we are incarcerating too few criminals, and the public is suffering as a result.”⁶⁴ In one of its most egregious points, the report stated, “Amid all the concern we hear about high incarceration rates for young black men, one critical fact has been neglected: the benefits of increased incarceration would be enjoyed disproportionately by black Americans living in inner cities.”

January 9, 2018

¹ *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>

² *Ibid.*

³ *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

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

⁷ 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)

⁹ Ibid.

¹⁰ Remarks of William P. Barr, Catholic League for Religious and Civil Rights Dinner (Oct. 6, 1992)

¹¹ Rowland Evans and Robert Novak, *Bill Barr Interview*, CNN (July 4, 1992)

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ *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-protesters/9f95ffab-0b6c-4142-bd31-76949c6f8a5d/?utm_term=.8ab64037d06f

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ *Confirmation Hearing Before the U.S. Senate Committee on the Judiciary: William Barr*, C-SPAN (November 12, 1991), <https://www.c-span.org/video/?22668-1/barr-confirmation-hearing-day-1>

¹⁹ Brief of Amici Curiae Former Justice Department Officials in Support of Petitioners, *Zubik v. Burwell* (U.S. 2016) (Nos. 14-1418, 14-1453, 14-1505, 15-35, 15-105, 15-119 & 15-191)

²⁰ Adam Liptak, *Verizon Blocks Messages of Abortion Rights Group*, NEW YORK TIMES (Sept. 27, 2007), <https://www.nytimes.com/2007/09/27/us/27verizon.html>

²¹ Ibid.

²² Marvin Johnson, *Verizon Reverses Course on Abortion Text-Messaging*, ACLU (Sept. 27, 2007), <https://www.aclu.org/blog/national-security/verizon-reverses-course-abortion-text-messaging>

²³ Carrie Resnick, *AG Nominee William Barr's connections to ALEC*, NARAL Report, Dec. 18, 2018.

²⁴ John McCain 2008, *John McCain Wins Catholic Support Nationwide*, CHRISTIAN NEWSWIRE (March 10, 2008)

²⁵ Sarah Blustain, *Stop Kidding Yourself: John McCain is a pro-life zealot*, THE NEW REPUBLIC (Aug. 27, 2008)

²⁶ Ibid.

²⁷ Sandra Torry, *Lawyers' Group Votes to Back Abortion Rights; Two-year Stance of Neutrality Abandoned*, THE WASHINGTON POST (Aug. 12, 1992)

²⁸ *Questionnaire for Non-Judicial Nominees: William Pelham Barr*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY (December 18, 2018)

²⁹ Jeffrey Toobin, *The Conservative Pipeline to the Supreme Court*, THE NEW YORKER (April 17, 2017), <https://www.newyorker.com/magazine/2017/04/17/the-conservative-pipeline-to-the-supreme-court>

³⁰ Board of Directors, STUDENTS FOR LIFE, <http://studentsforlife.org/supporters/board-of-directors-1> (last visited July 5, 2018)

³¹ Mission Statement, STUDENTS FOR LIFE, <http://studentsforlife.org/about/mission-statement/> (last visited July 5, 2018)

³² *Questionnaire for Non-Judicial Nominees: William Pelham Barr*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY (December 18, 2018)

³³ Shawn Boburg and Anu Narayanswamy, *Trump has blasted Mueller's team for political donations. But attorney general nominee William P. Barr has given more than \$500,000.*, THE WASHINGTON POST (December 11, 2018), https://www.washingtonpost.com/investigations/trump-has-blasted-muellers-team-for-political-donations-but-attorney-general-nominee-william-barr-has-given-more-than-500000/2018/12/11/dce5974a-fcb0-11e8-862a-b6a6f3ce8199_story.html?noredirect=on&utm_term=.506c7f4fddfe

³⁴ Search for "William Barr," FEDERAL ELECTION COMMISSION, https://www.fec.gov/data/receipts/individual-contributions/?two_year_transaction_period=2004&contributor_name=william+barr&min_date=01%2F01%2F2003&max_date=12%2F31%2F2004&contributor_state=VA (last visited December 13, 2018)

³⁵ Search for "William Barr," FEDERAL ELECTION COMMISSION, https://www.fec.gov/data/receipts/individual-contributions/?two_year_transaction_period=2004&contributor_name=william+barr&min_date=01%2F01%2F2003&max_date=12%2F31%2F2004&contributor_state=VA (last visited December 13, 2018)

