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The Honorable Lindsey Graham
Committee on the Judiciary
United States Senate

The Honorable Dianne Feinstein
Senate Committee on the Judiciary
United States Senate

Dear Chairman Graham and Ranking Member Feinstein:

As CEO of the National Council of Jewish Women (NCJW), and on behalf of its 90,000 members and supporters, we call upon members of this committee and the entire United States Senate to reject the nomination of William Barr for the role of United States Attorney General. We strongly believe that former Attorney General Barr does not possess the ability to fairly oversee the Department of Justice and meet its obligations to protect constitutional rights and promote justice without prejudice.

As advocates inspired by Jewish values and guided by our faith, we understand the sanctity of religious freedom guaranteed by the First Amendment to the US Constitution. We know that religious freedom is meant to be a shield, not a sword, and that public servants must place the US Constitution above personal religious beliefs in order to preserve religious liberty for all.

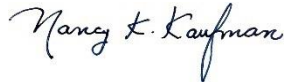
Barr, on the other hand, has used religious freedom as a not-so-subtle guise for discrimination. He praisedⁱ the Department of Justice's 2017 directive "to all executive departments containing guidance for protecting religious expression."ⁱⁱ The directive essentially gave federal government workers carte blanche to use their religious beliefs to discriminate against and deny service to other Americans. Barr has similarly advocated for religion-based "moral instruction" in public schools,ⁱⁱⁱ and on at least one occasion called for the imposition of "G-d's law" in America.^{iv} Barr described the Supreme Court's decision in *Lee v. Weisman*^v as a "disappointing setback" that would "press religion to the margins."^{vi} In reality, *Lee* – which established that clergy-led prayer at a public school graduation is a violation of the Establishment Clause – has actually served as the basis for many cases that safeguard religious freedom.^{vii}

By enshrining – or attempting to enshrine – any one religion, the government unconstitutionally infringes on the free exercise of religion. All nominees subject to Senate confirmation should follow the path of the late Justice William Brennan, Jr., who vowed to this Committee over fifty years ago that his faith would not interfere with upholding the laws of this nation. He said, "what shall control me is the oath that I took to support the Constitution and the laws of the United States...it is that oath and that alone which governs."^{viii} Unfortunately, Barr has not demonstrated that he would prioritize the hard-won constitutional protections of the First Amendment over his own personal beliefs while serving the American public.

In addition to his harmful views on religious liberty, Barr's hostile record towards immigration, criminal justice, LGBTQ equality, and reproductive rights disqualifies him to be our nation's chief legal officer. We cannot permit the personal ideology of our next United States Attorney General to prevent the Department of Justice from both fairly enforcing our laws and protecting our constitutional civil rights.

The Attorney General is one of the most powerful positions in the federal government; Barr's record demonstrates that he is unfit to serve in such capacity. He is a threat to our civil rights — especially for religious minorities, women, immigrants, refugees, LGBTQ individuals, and other marginalized communities. I urge you vote against Barr's confirmation as US Attorney General.

Sincerely,



Nancy K. Kaufman, CEO
National Council of Jewish Women

ⁱ "We are former attorneys general. We salute Jeff Sessions," *Washington Post*, November 7, 2018, <https://wapo.st/2FcNGu9>.

ⁱⁱ Federal Law Protections for Religious Liberty," Memorandum for All Executive Departments and Agencies, October 6, 2017, <https://www.justice.gov/opa/press-release/file/1001891/download>.

ⁱⁱⁱ *Remarks of Attorney General William P. Barr to the Governor's Conference on Juvenile Crime, Drugs and Gangs*, April 1992, available at <https://www.justice.gov/sites/default/files/ag/legacy/2011/08/23/04-01-1992.pdf>.

^{iv} *American Society Needs 'G-ds Law,' Says Attorney General*, CHURCH & STATE 257 (Dec. 1992).

^v 505 U.S. 577 (1992).

^{vi} William P. Barr, *Legal Issues in a New Political Order*, 36 THE CATHOLIC LAWYER 1, 9 (1995).

^{vii} See, e.g., *Santa Fe Independent School Dist. v. Doe*, 530 U.S. 290 (2000).

^{viii} *Nomination of William Joseph Brennan, Jr.: Hearings Before the Committee on the Judiciary, United States Senate*, 85th Cong., 1st Sess. 34 (1957).