



January 14, 2019

Dear Members of the Senate Judiciary Committee:

The mission of the Department of Justice (DOJ) is to “ensure fair and impartial administration of justice” as the chief enforcer of [the nation’s laws](#). With this great responsibility, the DOJ plays a critical role in our nation’s ongoing progress by defending and enforcing existing federal laws that reflect the values and principles of our country. As the head of the DOJ, the Attorney General must show great respect for the human rights and liberties guaranteed by our Constitution and laws, regardless of his or her own policy preferences or those of the President who appointed him. One of these fundamental liberties includes the right of safe and legal abortion for all in this country.

The right to safe and legal abortion has been the law of the land for more than 45 years and is therefore part of the fabric of American history and jurisprudence. Given the attacks on women’s health taking place at the federal and state levels, it is imperative that any nominee for Attorney General be ready to enforce and defend legal precedents that protect people’s access to affordable sexual and reproductive health care. The attorney general, and the Department of Justice, is charged with enforcing the nation’s laws, including the Freedom of Access to Clinic Entrances (FACE) Act, which helps protect women accessing reproductive health care.

As his record shows, William Barr, President Trump’s nominee for Attorney General, has failed to demonstrate that he will be fair and impartial in upholding our country’s laws, especially those relating to reproductive health and rights. Since his time as the Attorney General under George H.W. Bush (1991–1993), Barr has consistently demonstrated hostility towards *Roe v. Wade*, which should disqualify him from consideration. **Planned Parenthood Federation of America has a longstanding history of working to protect reproductive health and rights and strongly urges Senators to oppose William Barr for Attorney General.**

Barr was openly hostile to reproductive rights when he was the Attorney General under former President George H.W. Bush. In his 1991 Senate confirmation hearing for Attorney General, when asked about his views on privacy rights as it relates to abortion, Barr [stated](#) that he does not believe that the right to privacy extends to abortion and that *Roe v. Wade* was incorrectly decided and should be overruled. He then went on to say that, to the extent abortion is permitted, it should be an issue decided by the states. As Attorney General, Barr sent a [letter](#) to the Senate expressly opposing the Freedom of Choice Act (FOCA), the landmark legislation that would have codified *Roe*. The letter went on to say that he would advise then-President H.W. Bush to veto the legislation if it were approved by Congress. Barr penned a similar [letter](#) to Representative Henry Hyde stating that FOCA would force “abortion on demand” on all 50 states. After the *Planned Parenthood v. Casey* (1992) decision, Barr appeared on CNN and stated that he was disappointed in the decision. He then further reiterated that he believes that *Roe* should be overturned and that it will ultimately be overturned because “it does not have any constitutional underpinnings.”<sup>1</sup>

Barr has consistently expressed opposition to abortion rights through his personal writings and associations. In addition to expressing hostility towards abortion rights while working at the DOJ, Barr has further proven his

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<sup>1</sup> Rowland Evans and Robert Novak, *Bill Barr Interview*, CNN (July 4, 1992)



opposition in his personal writings years after his appointment was completed. In his 1995 article for the Catholic Lawyers entitled “*Legal Issues in a New Political Order*,” Barr [lamented](#) what he called “the breakdown of traditional morality,” citing *Roe* as a “secularist” effort to “eliminate laws that reflect traditional moral norms.” Also, Barr also has long term associations with groups with known hostility towards abortion rights. Barr was on the Board of Advisors for the Becket Fund for Religious Liberty, a [group](#) that has opposed women’s reproductive rights including challenging the Affordable Care Act’s contraception mandate on the grounds of religious freedom in the *Hobby Lobby v. Burwell* Supreme Court case.

Barr has also been an active opponent of the Affordable Care Act. In 2011, Barr joined other former Republican Attorneys General on an amicus brief in opposition to the Affordable Care Act in the *Commonwealth of Virginia v. Sebelius* in which they argued that Congress sought to coerce healthy patients into the insurance market through the ACA and that the law was unconstitutional.<sup>2</sup>

**William Barr has demonstrated throughout his over thirty-year career that he will not defend abortion rights as Attorney General but will actively work to dismantle them. It is the self-proclaimed duty of the DOJ to impart equal and impartial justice to all citizens regardless of their political opinions, and Barr has consistently proven his outward hostility to reproductive rights.**

**Planned Parenthood Federation of America urges Senators to oppose William Barr for Attorney General.**

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<sup>2</sup> Brief of Amici Curiae Former United States Attorneys General William Barr, Edwin Meese, III, and Dick Thornburgh, In Support of Appellees, *Commonwealth of Virginia v. Sebelius* (4th Cir. 2011) (Nos. 11-1057 & 11-1058)