

## Talking Points Regarding Judicial Nominations: General

- There is no position more important to our democracy than that of a federal judge. We have relied on the courts historically to protect and advance our rights. Consider how much we are relying on the courts in the Trump era to push back on his anti-civil rights agenda.
- Those selected for the judiciary are given a lifetime appointment and are entrusted to decide difficult legal disputes and fairly interpret the Constitution. This tremendous responsibility requires candidates with unimpeachable qualifications as well as a clear commitment to honesty and the civil rights of all Americans. It also requires that those on the bench reflect the rich diversity of this country.
- President Trump's nominees do not fit this bill. They demonstrate a breathtaking hostility toward civil rights and equal justice, and their records are rife with animus toward minority communities who depend the most on the courts to vindicate and protect their rights.
- These nominees' collective records reveal the disturbing truth that this Administration does not just tolerate radical anti-equality views among its judicial nominees but requires them.
- President Trump is reshaping the federal courts to enable and lock-in his own retrograde, discriminatory policy agenda. Frustrated by repeated losses in court on issues ranging from immigration to voting rights, Trump has selected a bevy of judicial nominees precisely for their long and in some cases incendiary records opposing civil rights. Their records show how the Trump administration views the judiciary not as an independent protector of the rule of law, but as something to manipulate for its own political and unlawful ends.
- Like Trump's executive branch nominees, who either were overtly hostile to civil and human rights or woefully ignorant of the civil rights laws they are sworn to enforce or some combination of both, Trump's judicial nominees reflect not only a hostility to the rule of law and civil rights, but a lack of respect for the bench and well-established judicial norms and standards.
- In August of last year, Congressional leaders from across the ideological spectrum were quick to express condemnation of the white supremacist violence in Charlottesville, Virginia. Now, months later, as they consider and vote on these judicial nominees, Senators are faced with an opportunity to forcefully rebuke the extremist ideology that they supposedly despise.
- We must require that judicial nominees respect and are committed to the rule of law and civil rights. Our freedom, particularly with this administration, is at stake.

## Talking Points Regarding Judicial Nominations: Thomas Farr, Nominated to Serve in the Eastern District of North Carolina

- Farr's 40-year record shows that he is highly partisan and hostile to the civil rights of African Americans and other minorities, particularly at the polls and in the workplace.
- Farr has developed a niche legal practice defending discriminatory electoral laws that make it harder for African Americans to participate in our democracy.
- Farr began his legal career in 1979 at the National Right to Work Foundation, an organization known as "a national leader in the effort to destroy public and private sector unions."
- Farr has demonstrated a longstanding dedication to undermining civil rights protections, particularly when it comes to the voting rights of African Americans and other people of color.
- In 2016, Farr defended what the Fourth Circuit Court of Appeals called "the most restrictive voting law North Carolina has seen since the era of Jim Crow[.]" The law reduced early voting, eliminated same-day registration, prohibited counting out-of-precinct votes, and required voters to comply with a strict photo ID requirement. The Fourth Circuit found that the law was passed with the purpose of discriminating against Black voters and in fact "target[ed] African Americans with almost surgical precision."
- Not only was Farr the go-to lawyer for those wishing to defend NC's voter suppression tactics, Farr appears to have explicitly misled the Senate about his participation in a campaign-related scheme to frighten black North Carolinians into not casting a ballot. Farr served as counsel for The Jesse Helms for Senate Campaign, which, in 1990, sent more than 100,000 postcards to mostly black voters suggesting that they could be prosecuted for voting in the upcoming midterm election. Recently, Farr told the Senate Judiciary Committee that he did not know about the postcards until after they had already been sent. However, there is evidence to the contrary and he has himself contradicted this assertion in response to inquiries from Senator Booker. Given this evidence and Farr's subsequent statements on the subject, he should never have been nominated and, at this point, he should not be allowed to proceed in this process without a new hearing.
- The Eastern District of North Carolina (EDNC) has never had a Black judge in the court's 143-year history.
- The EDNC is nearly 30 percent African American and includes every North Carolina county that has an African American population of greater than 50 percent.
- President Obama nominated two African American women to this seat, but Republican Senator Richard Burr unilaterally blocked both. Because of Sen. Burr's intransigence, this vacancy, open since 2005, is now the oldest in the country.
- We recently celebrated the 53rd Anniversary of "Bloody Sunday," the historic voting rights march from Selma to Montgomery, AL that ushered in the Voting Rights Act of 1965. The nomination of Thomas Farr is a slap in the face to the memory of those brave souls who sacrificed so much for our right to vote.

## Talking Points Regarding Judicial Nominations: Mark Norris, Nominated to Serve in the Western District of Tennessee

- As a state legislator and Majority Leader of the Tennessee Senate, Norris has developed an appalling record opposing equal rights that stands out even among President Trump's long line of anti-civil rights nominees.
- He sponsored a resolution – the Tennessee Heritage Protection Act – which would prohibit the removal of Confederate monuments from parks and public spaces in Tennessee.
- Norris supported Tennessee's strict voter ID law that took effect in 2012 and pushed to add a provision that would have required proof of citizenship to vote, which would have been an obvious invitation to racially profile voters.
- Norris championed legislation that has perpetuated school segregation in Memphis and led to "one of the nation's most egregious examples of public education splintering into a system of haves and have-nots over race and class."
- In 2017, Norris worked to undermine the Supreme Court's Obergefell decision with a bill – known locally as the "LGBTQ Erasure" bill – that was designed to exclude same-sex couples from legal protections by barring courts from interpreting the terms "husband" or "wife" to mean "spouse."
- Norris has often used hostile, inflammatory rhetoric to stoke fear of immigrants and spread Islamophobia, often highlighting his work "strengthening Tennessee law (not Sharia law) for Tennessee courts."