

Via email to Jennifer_Decasper@scott.senate.gov

January 29, 2019

The Honorable Tim Scott
United States Senate
Washington, DC 20510

RE: Nomination and Confirmation of Thomas A. Farr as Federal District Judge

Dear Senator Scott:

The undersigned are attorneys and conservative leaders, from North Carolina and across the nation, who write to ask you to support the renomination and confirmation of Thomas Farr as a federal district court judge in Raleigh, NC. We ask you to support Tom because he is someone we greatly admire and respect and he deserves your support.

We were dismayed and deeply disappointed by your statements and actions regarding Tom's nomination when it was set to be voted upon by the Senate last year, when you suddenly withdrew your previously announced support for Tom's confirmation.

It is extremely distressing that you chose to take this step with regard to someone who is wholly undeserving of your actions against him. Your decision is also puzzling because it is a complete departure from the long-standing courtesies of the Senate, in which Senators do not interfere with the recommendations of colleagues in their own caucus regarding district court judges.

We have no idea - because you have not said- why you have chosen this course of action. You had already pledged your support for Tom's confirmation. Suddenly and without warning or explanation, you changed your mind.

We understand that it is not possible for Senators to know personally every judicial nominee on whom you are called to vote. That is why we are writing: to tell you from those of us who have known Tom either personally, for many years, or by reputation through his yeoman and stellar work in the election law arena, Tom is a highly qualified candidate for district judge, and he does not deserve this mistreatment of his life's work and legacy. Many of the undersigned have known Tom for years, some for decades. Others of the undersigned do not know Tom personally, but are aware of the courageous battles he has fought on issues that are important to many of us in the area of election law

We do not know what caused your about-face. And we are distressed that you announced your change of position without giving Tom the courtesy of a personal meeting - or at least a phone call - to state your concerns and to give him an opportunity to respond before you decided to take this extraordinary step. We believe it is the only fair and decent thing to have done, but you went public with vague references to race that have yet to be explained, particularly not to Tom. It is certainly time that you explain to Tom exactly what your concerns are and where those concerns came from.

We know that Tom is a complete gentleman and a highly honorable and skilled attorney; a man of utmost integrity and the highest moral character.

The Honorable Tim Scott
January 29, 2019

If you are interested in knowing about Tom's *real* history on the subject of race, perhaps you might speak with retired Magistrate Judge Bill Webb, who is African American. He was selected to serve as a magistrate judge for the Eastern District of North Carolina more than twenty years ago by the district court judges, upon the recommendation of the Magistrate Review Panel. With over thirty applicants for the magistrate's position, Judge Webb was the applicant selected and recommended by the panel. Tom Farr was the Chairman of that panel.

Any allegations against Tom on racial grounds are baseless and wrong and disregard Tom's life history. Again, we know that you do not know Tom or you would not make such statements and you would not condone such false claims by others.

Tom's record of accomplishment is without blemish. You have, by your actions, inferred that something is amiss but you won't say what that is. And you have damaged the reputation of someone who does not deserve to have his reputation tarnished with veiled assertions of "racism".

The baseless inferences about Tom from third parties are not in keeping with your normal dedication to your respect for truth and the dignity of every person. You have historically played an important role as a unifying force for good and as someone who is not susceptible to false witness against and by others.

The unprincipled left wing activists who hate Tom, also hate those of us who have signed this letter. They hate us because we disagree with them on important issues and principles of political philosophy. They hate us because we are conservatives who believe in the rule of law and the Constitution. They hate us because we fight back against their biased and partisan beliefs. But they are not content to disagree with us: they hurl racial epithets at all of us for the reasons just stated, but primarily because we are conservatives.

And they hate us - and Tom, in particular - because we, like Tom, believe that protecting the integrity of elections matters, to people of all races.

That is really why there is an organized opposition to Tom's nomination as a federal judge. His detractors do not want anyone with Tom's legal knowledge and skills in the area of election law to serve in the federal judiciary.

Tom's "sin" is that he has represented the North Carolina Republicans in various litigation in the election law context for many years. He has done so with integrity and the highest standards of legal acumen. Countless lawyers who have represented adverse parties in cases where he has served as opposing counsel have nonetheless praised Tom for his expertise, his fairness, his honesty and his professionalism.

Tom has been subject to two extensive background investigations by the FBI and the American Bar Association in conjunction with a possible federal judicial appointment. He has received well qualified ratings twice from the ABA: unanimously in 2007 and a virtually unanimous well qualified rating again in 2017 (one of the thirteen on the committee abstained in 2017). There have been *zero* - negative votes at the ABA. Would that have happened if he had even a hint of improper conduct in his past?

The Honorable Tim Scott
January 29, 2019

You surely agree that any such behavior would have long since disqualified him from further consideration. The reason Tom has been deemed well-qualified by the ABA and received a clean FBI background report is because there is nothing to disqualify him.

The bottom line is that the left has taken to lying about well qualified conservatives when there are no facts on their side to justify blocking conservatives from high government office. And somehow, you have allowed these left wing extremists to persuade you of some mysterious allegation about Tom.

We believe that Tom well deserves to become a federal judge and that you should meet with him to clear the air. We are confident that if you give him the opportunity, you will learn the truth and you will withdraw your objections, whatever they are.

We cannot sit back and allow ourselves and those who share our beliefs to be unjustly and unfairly condemned as racists for believing that Republicans are entitled to be represented in litigation involving redistricting, election law and voter integrity.

We also believe that Tom has been targeted merely for having served as counsel to the Senate campaigns of Sen. Jesse Helms (R-NC). The facts demonstrate that Tom handled his work with and for the Helms campaigns of 1984 and 1990 in a completely proper, professional, and ethical manner, and the documentation proves that to be the case. Simply put, there are no facts to justify treating this fine man in this terrible manner.

In these difficult days, when allegations of racism are carelessly, and all too often deliberately, thrown about without foundation, the result is not racial healing, but greater racial polarization. Joining with those who taunt every political opponent as "racist" as a partisan political tactic to destroy their reputations is not helpful to the cause of reconciliation.

We are asking you to reconsider whatever you have been told from those who will say anything to block Tom's confirmation because, at bottom, they despise his conservative credentials and beliefs, beliefs that you yourself also espouse. We are asking you to sit down with Tom and reconcile whatever differences you believe exist and announce your support for his renomination and confirmation.

Not to do so is to besmirch a very fine and talented man's honor and his professional and personal reputation that has stood untarnished for more than thirty years. We hope you will not continue to do that.

We support Tom Farr and we are asking you to do likewise. Thank you.

Sincerely,

The Honorable Edwin Meese III
United States Attorney General (1985-1988)

The Honorable Jim DeMint
Member, South Carolina
United States Senate (2005-2013)

The Honorable Tim Scott
January 29, 2019

The Honorable Tim Moore
Speaker, North Carolina House of Representatives

The Honorable Jason Saine
Member, North Carolina House of Representatives
Senior Chair, NC House Committee on Appropriations
Immediate Past National Chairman, American Legislative Exchange Council

The Honorable Robin Hayes
Chairman, North Carolina Republican Party
Member of Congress from North Carolina (1999-2009)

Tom Fetzner
Mayor of Raleigh, NC (1993-1999)
Former Chairman, North Carolina Republican Party
Friend of Tom Farr since 1981

Dallas Woodhouse, Executive Director
North Carolina Republican Party

Cleta Mitchell
Partner, Foley & Lardner, LLP
Chairman, Public Interest Legal Foundation

Hon. Hans A. von Spakovsky
Commissioner, Federal Election Commission (2006-2007)
Counsel to the Asst. Attorney General for Civil Rights, U.S. Dept. of Justice (2002-2005)

J. Christian Adams
President and General Counsel, Public Interest Legal Foundation
US Department of Justice, Trial Attorney, Civil Rights Division

Ginni Thomas
President, Liberty Consulting
Chairman, Groundswell
Washington, DC

Barbara Ledeen
Judicial Nominations expert

Marjorie Dannenfelser, President
Susan B. Anthony List

Jenny Beth Martin, Chairman
Tea Party Patriots Citizens Fund

The Honorable Tim Scott
January 29, 2019

Richard Manning, President
Americans for Limited Government

Phillip L. Jauregui
President
Judicial Action Group

The Honorable Becky Norton Dunlop
White House Advisor
President Ronald Reagan (1981-1985)

The Honorable George K. Rasley, Jr.
Managing Editor, *ConservativeHQ.com*

The Honorable J. Kenneth Blackwell, Chairman
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The Honorable George Dunlop
Legislative Assistant (and other positions) with
Senator Jesse Helms (1972-1993)

The Honorable Joseph A. Morris, Partner
Morris & De La Rosa, Chicago
Assistant Attorney General of the United States (1986-1988)
General Counsel, Office of Personnel Management (1981-1986)

Raymond LaJeunesse, Jr.
Vice-President & Legal Director
National Right to Work Committee

The Honorable T. Kenneth Cribb, Jr.
Chief Domestic Advisor
President Ronald Reagan (1987-1988)
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Curt Levey, President
Committee for Justice
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The Honorable Tim Scott
January 29, 2019

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National Organization for Marriage

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