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February 12, 2019

United States Senate  
Washington, DC 20510

Dear Senator:

On behalf of our three million members and the 50 million students they serve, we strongly urge you to oppose confirming William Barr as Attorney General of the United States because he cannot be trusted to protect our students' civil rights or take action against the unprecedented threats to the rule of law posed by the Trump administration. Votes on this issue may be included in NEA's report card for the 116th Congress.

Mr. Barr's performance at his nomination hearing did not allay our concerns — it reinforced them. Specifically, he did not retreat from his public praise of the administration's government-wide rollback of civil rights protections and reiterated his view that federal law does not protect LGBTQ Americans, including students, from discrimination. Mr. Barr also said he would not necessarily heed the advice of the Justice Department's ethics professionals if they advised him to recuse himself from the Russia investigation. Moreover, he would not commit to releasing Special Counsel Robert Mueller's full report to the American people.

### **Mr. Barr's positions on civil rights and the rule of law**

With the help of former Attorney General Jeff Sessions and Education Secretary Betsy DeVos, the Trump administration has sought to deprive our students of their civil rights by:

- Stripping federal protections for LGBTQ students, and transgender students in particular
- Using gun violence as an excuse to authorize school discipline discrimination on the basis of race
- Creating barriers to education with policies that terrify immigrant children and their families
- Proposing to gut protections for students who face sexual harassment and violence
- Spearheading a radical regulatory agenda, still ongoing, that makes policies and practices with a discriminatory effect legal — even though such policies and practices have been illegal since the Civil Rights Act of 1964

Mr. Barr would not stop or slow down this radical agenda; he would continue it. He praised stripping transgender students (and employees) of the statutory protections of federal anti-discrimination laws in an op-ed published in the Washington Post ("We Are Former Attorneys General. We Salute Jeff Sessions," Nov. 7, 2018). He supported guidance to federal agencies that is a blueprint for religion-based discrimination. Mr. Barr has also praised the administration's immigration policies, which include arresting students at their bus stops, preventing Dreamers from fully participating in their communities, and demonizing immigrants by claiming they

constitute ongoing, violent threats. He characterized President Trump's original Muslim ban, strongly rejected by the courts, as "squarely within both the president's constitutional authority and his explicit statutory immigration powers" in an op-ed published in the Washington Post ("Trump Was Right to Fire Sally Yates," Feb. 1, 2017).

The attorney general's first obligation is to the Constitution and the rule of law — pillars of our democracy that are being tested as never before. Yet, in an unsolicited 19-page legal memorandum sent directly to Deputy Attorney General Rod Rosenstein and Assistant Attorney General Steve Engel, Mr. Barr argued that Special Counsel Robert Mueller has no legal authority to interrogate the president about any alleged obstruction of justice — a stance at odds with the fundamental principle that no one is above the law.

Our students deserve an attorney general who protects them, not one who threatens, intimidates, and demonizes them and their families. Our nation deserves an attorney general who will be a defender of the rule of law. Mr. Barr fails both tests. We strongly urge you to oppose confirming him as Attorney General of the United States.

Sincerely,

A handwritten signature in black ink that reads "Marc Egan". The signature is written in a cursive, flowing style.

Marc Egan  
Director of Government Relations  
National Education Association