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January 10, 2017

The Honorable Charles Grassley
Chairman
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
U.S. Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, D.C. 20510

**Re: The Nomination of Jefferson Beauregard Sessions III to be
Attorney General of the United States**

Dear Chairman Grassley and Ranking Member Senator Feinstein:

The NAACP Legal Defense & Educational Fund, Inc. (“LDF”) writes to supplement its January 9, 2017 report in opposition to the nomination of Senator Jeff Sessions to be Attorney General of the United States.¹ After extensive review of our vast internal records, and in light of testimony during today’s hearing on the nomination, we are submitting three additional documents that we believe are relevant to Sen. Sessions’ record and his fitness to serve as Attorney General. These documents, attached to this letter, include:

- A. A declaration signed by Theodore M. Shaw, Chambers Distinguished Professor of Law and the Director of the Center for Civil Rights at the University of North Carolina Law School. From March 1982 until April 2008, Mr. Shaw worked in various capacities for LDF, including directing LDF’s docket of school desegregation cases in the South. During that time, Mr. Shaw worked with local Mobile, Alabama cooperating attorneys on

¹ LDF, *Report in Opposition to the Nomination of Jefferson Beauregard Sessions to be Attorney General of the United States* (Jan. 9, 2017), <http://www.naacpldf.org/files/our-work/LDF-Jefferson-Sessions-Report-in-Opposition-FINAL-1-9-2017.pdf>.

Birdie Mae Davis v. Board of School Commissioners of Mobile, Alabama, a case which Sen. Sessions now lists among “the 10 most significant” litigation matters that he “personally handled.” In his declaration, Mr. Shaw avers that: “I have no recollection, knowledge, information and belief of Mr. Sessions working directly on the *Davis* case or working directly with me or any other LDF attorney while I was involved with the *Davis* case.”

- B. A chapter of the book *Lift Every Voice* by Lani Guinier, the Bennett Boskey Professor of Law at Harvard Law School. Ms. Guinier, then a staff attorney at LDF, served as defense counsel to Spencer Hogue in the Marion Three prosecution. In this chapter, Ms. Guinier recounts her experience defending the prosecution, and in particular the chilling effect that the prosecution had on Black political participation in Alabama.
- C. A March 19, 1986 letter and nine-page statement from Coretta Scott King to Senator Strom Thurmond regarding the nomination of then-United States Attorney Jeff Sessions to be United States district judge in the Southern District of Alabama. Mrs. King wrote in “sincere opposition” to Sen. Sessions’ nomination, and focused her statement on Sen. Sessions’ failed prosecution of three voting rights activists—known as the “Marion Three”—in Perry County, Alabama. One of the defendants in that case, Albert Turner, was a close aide to Dr. Martin Luther King, Jr. and played a central role in the activism that led to the Voting Rights Act of 1965. Regarding Sen. Sessions’ decision to pursue that prosecution, in which a jury ultimately acquitted all three defendants,² Mrs. King concluded: “Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.”

Thank you for considering LDF’s report in opposition and these supplemental materials. If you have any questions, please contact Todd A. Cox, Director of Policy or Kyle Barry, Policy Counsel, at 202-682-1300.

Sincerely,



Sherrilyn A. Ifill
President & Director Counsel

² See *id.* at 11-13.