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TESTIMONY OF PETER KIRSANOW BEFORE SENATE JUDICIARY COMMITTEE ON THE NOMINATION OF JEFF SESSIONS TO ATTORNEY GENERAL

Chairman Grassley, ranking member Leahy, Members of the Committee, I am Peter Kirsanow, a Member of the U.S. Commission on Civil Rights and a partner in the Labor and Employment Practice Group of the law firm Benesch, Friedlander, Coplan & Aronoff. I am appearing in my personal capacity.

The U.S. Commission on Civil Rights was established by the Civil Rights Act of 1957 to, among other things, serve as the national clearinghouse for information related to discrimination and denials of equal protection. In furtherance of the clearinghouse function, my assistant and I have reviewed the bills sponsored and co-sponsored by Senator Sessions during his tenure in the Senate, as well as his public actions on matters arguably pertaining to civil rights and the rule of law.

Our examination reveals Senator Sessions' approach to civil rights issues is consistent with mainstream textual interpretation of the relevant constitutional and statutory provisions, as well as governing precedent. His legislative record is legally sound, intellectually honest, and exhibits an understanding and appreciation of the historical bases for civil rights laws.

Our examination also underscores that some aspects of Senator Sessions' record on civil rights have been mischaracterized, portraying him incongruously as somehow hostile to civil rights.

The facts emphatically show otherwise. Among other things Senator Sessions has sponsored numerous bills honoring significant civil rights events, icons, and leaders, including, but not limited to, bills to honor Martin Luther King, Jr.; Coretta Scott King; and

Rev. Shuttlesworth's fight against segregation; three separate bills honoring Rosa Parks; a Senate apology to the descendants of lynching victims; a bill to honor participants in the Selma Voting Rights March; and a bill honoring the victims of the 16th Street Baptist Church bombing.[1]

Senator Sessions' commitment to civil rights, however, transcends resolutions in support of civil rights. He has sponsored or co-sponsored numerous substantive bills ensuring and protecting voting rights, such as the Federal Election Reform Act of 2001, the Voter Fraud Protection Act of 2009, as well as a number of bills protecting the voting rights of military personnel.[2]

He has been a strong proponent of religious liberty, co-sponsoring several bills to prevent discrimination against the religiously observant and to prevent government from substantially burdening a person's free exercise of religion.[3]

But in our estimation his most important impact has been on protecting the interests of American workers, particularly black workers. Black employment levels and wage rates have been abysmal for at least a decade. The labor force participation rate for black males is an appalling 61.8%. Evidence adduced by the Civil Rights Commission shows that 40% of the 18 point decline in black employment rates over the last several years is due to government refusal or inability to enforce immigration laws—causing black workers, particularly black males, to lose jobs or have their wages reduced. That's hundreds of thousands of blacks without jobs. This also has broader sociological implications related to family formation and incarceration rates.

No one has been more committed or engaged than Senator Sessions in protecting and promoting the interests of black workers in America. But for Senator Sessions' indefatigable

[1] *See* S. 527 (114th Cong. 2015); S. Res. 460 (108th Cong. 2004). *See also* S. Res. 289 (112th Cong. 2012); S. 1368 (108th Cong. 2004).
[2] *See* S. 3073 (110th Cong. 2009); S. 28 (107th Cong. 2002); S. 1103 (111th Cong. 2010).
[3] *See* S. 415 (110th Cong. 2008); S. 1204 (113th Cong. 2004); S. 2148 (105th Cong. 1998).

efforts, the plight of black workers now and in the future would be worse. His leadership on this matter as well as his leadership as Chair of the Subcommittee on Immigration and the National Interest has been key to forestalling an even deeper downward trajectory for black workers.

Senator Sessions' record on matters pertaining to civil rights demonstrates an unwavering commitment to equal protection under the law and a fidelity to the rule of law in general that would make him an outstanding Attorney General.

Thank you Mr. Chairman.