

**Testimony by Mr. William Smith at a Senate Judiciary Committee Hearing on the
Nomination of Senator Jeff Sessions to be U.S. Attorney General
January 11, 2017**

Chairman Grassley, Senator Feinstein and members of the Committee:

I'm here today to express my absolute support and full confidence in Senator Jeff Sessions, who has been nominated by President-Elect Trump, to serve as Attorney General of the United States.

I make this statement, not as someone who has known Senator Sessions in passing, but as someone who has had Jeff Sessions as a friend, boss and confidant for over 20 years. When I submitted my application to be admitted to the Supreme Court of the United States, I wanted one name as my movant, the name that throughout my Senate career exemplified "equal justice under law." The certificate on my wall bears the name of Jeff Sessions.

I think it is important for the Committee and for members of the Senate to know my history with Senator Sessions, so it can be absolutely clear that I have first hand experience of his character, honesty, integrity and concern for people.

I first met Senator Sessions at an Auburn football game in 1995. It would be inappropriate for me not to say WAR EAGLE, right here. At the time, he was Attorney General in Alabama, but campaigning for the Senate. I was working on another campaign. Senator Sessions and I talked for a few minutes before the game. At that time, Senator Sessions had a number of people he could have been talking to, but instead, missing opportunities to connect with voters, he stood there talking to me, someone he should have known was already going to vote for him, given who I was campaigning for. Most politicians you meet forget you and your name the moment you walk away from them. Senator Sessions remembered me and greeted me at the next Auburn game. He might not remember any of this, but I will never forget it.

Fast forward to March 2001, six years removed from that first meeting and some casual interactions between then. I was a research librarian at the University of Southern California School of Law and received a phone call out of the blue. Senator Sessions had a position open on his Senate Judiciary Committee staff, and during that phone conversation I was informed that they only had one candidate Senator Sessions wanted for the job; it was me, and I had not applied. The library profession is not known for promoting conservative policies, and Senator Sessions knew I was an African American, so he was recruiting an African American librarian out of California to potentially lead his Judiciary Committee staff. That's not a risk most conservatives would be willing to make. I began working for him in April 2001, and when the Chief Counsel departed later that year, I was promoted to lead the Subcommittee Senator Sessions chaired despite there being other qualified attorneys on staff. It also became clear to me that I had been hired for that very purpose, to lead the legal team of Senator Sessions.

In May of 2001, I had been working for Senator Sessions for a little over a month, when then Senator Jim Jeffords left the Republican Party and caucused with the Democrats. Because of reduced budgets, I witnessed a number of Republican staffers lose their job. I was thinking, last man in, and first one out. I had sacrificed a successful academic career to move to Washington. Senator Sessions sensed that I was concerned and pulled me aside to tell me he knew the sacrifice I had made and assured me that he would find away to make sure I was able to keep my job, even though there was not enough money in the Judiciary Committee allotment to pay my salary. It was at that point I began to know of Senator Sessions' loyalty.

Over the years, I have had a number of experiences to give me a sense of Senator Sessions' character. In one instance, after I first started, I neglected to turn in notice to the personal office about Judiciary hearings. We were having a hearing with the FBI director. Needless to say, when I went over to get the Senator the morning of the hearing, it blew up the schedule. I had more than a few people yelling at me and telling me that the Senator was going to have to miss the hearing. When I was in the middle of explaining that Senator Sessions knew about the hearing, as I had briefed him the night before, he happened to walk into the office. Different staffers told their version of how I had ruined the day and how important meetings on the schedule would be missed. Senator Sessions had a right to be angry with me. I had made a mistake, but what he was angry about was how he witnessed me being treated. He told the staff to calm down, that he was going to the FBI hearing and looked at me and smiled. As I recall, he and I were the only ones smiling in the office at that point.

Throughout my time with Senator Sessions before I got married and moved away to practice law, we spent numerous hours together. The hours and the subject matter were challenging and our conversations were often challenging, because Senator Sessions had not hired me to be a yes man, but to give him my best advice. Even during those challenging times, Senator Sessions respected my point of view and me. He never said anything derogatory and never provided any sense that he had any racial animus. It was during these long hours where I recognized that Senator Sessions had become more of a friend and confidant than a boss. We would spend hours talking about my career path and my life and when I would tell the Senator how I had come over to talk about work, he would often say, "It's late, let's talk about that tomorrow." More times than not, he was more concerned for my well being than the memo we needed to discuss.

Even when I moved to Alabama, I was not out of touch with Senator Sessions. I was Treasurer of his leadership PAC, so I've experienced multiple sides of his life. When Senator Arlen Specter switched parties and Senator Sessions became the ranking member on the Judiciary Committee, Senator Sessions offered me the job of Chief Counsel on the full committee staff. While I was off the Hill, I did a lot of writing; one of my writings was seen by some as controversial. There was a media firestorm after my hire and members of my own staff advocated for Senator Sessions to distance himself from me and essentially invite me to find other work. Senator Sessions told those who did not want to stand with me, that they, not I would be looking for work. He did not cut and run on me. This is just another situation where some would have cheered Senator Sessions

for terminating me, but instead he protected me. That's not the action a racist would take for an African American.

Senator Sessions has the intellectual capacity to be an outstanding Attorney General. I have worked in a number of environments and interacted with a lot of smart people. Senator Sessions is among the smartest. In one instance, we were discussing a trap and trace matter with some of the best lawyers from the Justice Department. Senator Sessions, using the memory recall that only few lawyers have about legal matters, left these DOJ lawyers baffled about a historic case that was on point. These lawyers later apologized to me for not being prepared for the meeting and unable to answer all of the questions from Senator Sessions. I told them not to worry. This was not the first time Senator Sessions had left a group of intellectuals baffled and it would not be the last time.

Senator Sessions has been my friend and my confidant. He was there to advise me when I made the decision to return home to Alabama and practice law – this after convincing me one last time, to give him one more year as his Chief. He was there to advise me when I made the decision to come back to Washington. When my dad became sick and passed away and I needed to spend an extended period in Alabama, Senator Sessions never questioned the time I needed to take off. Instead, he was praying for me and my family and checking to make sure we were doing fine. He was very supportive during a time when I needed support.

Much has been said about the record of Senator Sessions on a number of matters, but the truth is, his political views are very mainstream. I could systematically go through every issue that has been raised, but I'll limit my comments to three:

I was working for Senator Sessions when practically the first issue I think Senator Sessions had to face on immigration, moved to the forefront. Senator Durbin had introduced the Dream Act and I received a memo from one of the lawyers on staff recommending that we support the legislation. I instructed the lawyer to rewrite the memo, opposing the legislation. At that point, I practically took over establishing the immigration recommendations in the office, basing the recommendations off of legal immigration not illegal activities. Senator Sessions might have not followed the original recommendation, but I state this to demonstrate that it does not make you racist because you oppose people benefiting from illegal activities. Senator Sessions, just like me, supports legal immigration. Indeed, my wife immigrated legally from the Philippines.

There has been much talk about the Voting Rights Act. Even though Senator Sessions voted for the Voting Rights Act, members, political pundits, and the media continue to misrepresent his position on the legislation. I staffed Senator Sessions during a portion of the Voting Rights Act debate. The Supreme Court in the *Shelby County* case struck down a portion of the Voting Rights Act, Section 5 that we had sought to modify. The truth is, discrimination and voter fraud remains a problem, but it is not limited to the South. During the debate, there was direct evidence of voter suppression in places such as Massachusetts, so Republicans offered an amendment to expand Section 5 to all fifty

states. Democrats signaled and demonstrated that all amendments would be blocked. If that amendment had passed, Section 5 would still be law today. So Senator Sessions is not to blame for the negligence of members who blocked an amendment to save a critical portion of the Voting Rights Act.

One of the latest allegations against Senator Sessions is that he has been fighting criminal justice reform. This, again, simply mischaracterizes the facts. What Senator Sessions opposes is releasing convicted, violent drug offenders, which the current proposal does. Let's not forget, again, while I was working with Senator Sessions, how he championed reducing the disparities between crack and powder cocaine after receiving request from the NAACP to help African American communities. The original version of the bill had a pilot program to release non-violent elderly offenders. Senator Sessions had sympathy toward these people, having witnessed grandmothers and girlfriends sentenced to long sentences for refusing to turn on a son, daughter or boyfriend. So instead of fighting against true reform, Senator Sessions has been a leader.

I could note countless other mischaracterizations, but I think it is clear from these examples that Senator Sessions has taken reasonable approaches to policy.

I did not know Senator Sessions in 1986, but I have studied his record. I have reviewed the evidence and even by the lowest standards, anyone looking at the evidence fairly could not say that he is a racist. All of the witnesses who testified against him in 1986 were discredited, with at least two of them writing the Committee to admit they had provided false testimony. In the one case that has received prominent attention, all of the defendants agreed to plead guilty to at least one count, providing a pretty clear indication that even they thought they were guilty of something. I know that he prosecuted members of the Ku Klux Klan, stood up against George Wallace in Alabama and filed lawsuits to desegregate the schools, but those are things I've only been able to read about and investigate over the years. The real experience is my personal experience.

Again, I have 20 years of history with Senator Sessions. What I've learned over that period of time is that he is an honorable man, who believes in the rule of law, pursues justice under all circumstances and loves his family and friends. I've learned that Senator Sessions is willing to debate anyone on the merits, but he's not willing to attack their character. In my 10 years of working for him and writing speeches for him, he would agree to debate on the merits, but he would not pursue personal insults or character assassinations. That is what makes this process so painful to witness. From my point of view, Senator Sessions has respected his Senate colleagues, never sought revenge for the way he was mistreated; he has worked fairly with them, debated them vigorously, but never pursued a derogatory approach. I simply wish everyone would take the same approach as Senator Sessions. What I've learned through my 20 year history with him is that integrity, honor, and humility is more important than a political victory where personal attacks are the means to achieve that victory.

I'm here to support the nomination of Senator Sessions because everyone in this city who knows him, everyone in Alabama and around the country who knows him, might not

agree with some of his policy views, but not one person can honestly look into his heart and not see the love he has for his country, the rule of law, and the Department of Justice. I support Jeff Session because he's the exactly what we need at the Department of Justice, someone would will enforce and defend the laws of the United States regardless of whether he agrees with them personally, because that's his job. I wholeheartedly stake my reputation on Senator Sessions. He will serve our nation well.