



National Alliance to
End Sexual Violence



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January 6, 2016

Via electronic mail to Nazneen_Mehta@judiciary-dem.senate.gov

Chairman Chuck Grassley
Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

Ranking Member Dianne Feinstein
Committee on the Judiciary
331 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

On behalf of survivors of sexual assault, domestic violence, and stalking, we are writing to express our firm opposition to the confirmation of Senator Jefferson B. Sessions III (R-AL) as the 84th United States Attorney General.

Founded in 2013, Know Your IX is a youth-led organization that aims to empower students to end sexual and dating violence in their schools. The National Alliance to End Sexual Violence is the voice in Washington for the 56 state and territorial sexual assault coalitions and 1300 rape crisis centers working to support survivors and end sexual violence. Through our networks, we work with thousands of survivors of gender-based violence across the country, and we know firsthand how critical the work of our Justice Department—and the Attorney General charged with leading the Department's Office of Violence Against Women and the Educational Opportunities Section of the Civil Rights Division—is to survivors seeking justice, support, and healing. We are deeply troubled by the nomination of Sen. Sessions as Attorney General. During his tenure as a U.S. Senator, Sen. Sessions has not only failed to lead in the fight against gender-based violence, but often stood on the opposing side.

Gender-based violence remains a widespread and urgent problem in America today. Every year, more than ten million people are physically abused by an intimate partner in the United States. One in five women in the United States will experience rape during her lifetime.¹ Fighting gender-based violence is a core responsibility of the Attorney General. As advocates working every day to end this violence, we have carefully evaluated Sen. Sessions' record and concluded that he is not qualified to fulfill that role.

In particular, we are deeply concerned about Sen. Sessions's public statements and actions on the following:

¹ *National Statistics*, NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, <http://ncadv.org/learn-more/statistics> (last visited Jan. 6, 2017).

Failure to Condemn Sexual Assault

During the 2016 campaign, the *Washington Post* released a 2005 recording in which then-candidate Donald Trump admitted to grabbing women's genitals without consent—and boasted that his fame allowed him to avoid accountability. When asked about these tapes, Sen. Sessions not only failed to denounce President-Elect Trump's actions, he explicitly stated that he did not “characterize that as sexual assault,” adding, “that’s a stretch.”²

To be clear: “grabbing” anyone by the genitals without their consent is sexual assault. Sen. Sessions's statements about sexual assault are at odds with the very definitions of sexual assault used by the Department he has been nominated to lead and the laws he has been nominated to enforce.³ The Justice Department defines sexual assault as “any type of sexual contact or behavior that occurs without the explicit consent of the recipient.”⁴ In denying that forcibly groping women is not sexual assault, Sen. Sessions revealed his misunderstanding of gender-based violence and indifference to the harms survivors experience when their bodily integrity is violated by assault.

The Department of Justice has jurisdiction over cases of gender-based violence, including sexual assault that occurs on Native American reservations, sexual assault and domestic violence in the District of Columbia, and stalking that occurs across state lines. Understanding law and policy related to sexual assault is a core qualification to lead the Department; Senator Sessions' dismissive statements about a clear example of sexual assault suggest that he is unfit to do so.

Opposition to the Violence Against Women Act

The Violence Against Women Act (VAWA) is the bedrock of our national response to the crisis of sexual assault, domestic violence, dating violence, and stalking. It is the first and only comprehensive federal legislation written to address gender-based violence. We are deeply troubled by Sen. Sessions' opposition to the bipartisan effort to reauthorize VAWA in 2013.

The grant programs authorized by VAWA provide life-saving services for survivors of gender-based violence, funding rape crisis centers, domestic violence shelters, and prevention programs across the United States. It provides victims of domestic violence fleeing across state lines the ability to retain custody, enables enforcement of protection orders across state lines, requires prevention education in higher education to end campus sexual assault, creates programs to address violence against women with disabilities, protects survivors from unfair eviction on the basis of their status as victims of gender-based violence, creates legal assistance programs for

² Danielle Paquette, *It's not clear if Jeff Sessions thinks grabbing a woman by the crotch is sexual assault*, WASH. POST (Nov. 18, 2016),

https://www.washingtonpost.com/news/wonk/wp/2016/11/18/its-not-clear-if-trump-attorney-general-sessions-thinks-grabbing-a-woman-by-the-crotch-is-sexual-assault/?utm_term=.e622e8b814b2/.

³ See 18 U.S.C. §2244 (defining sexual assault as “the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person”).

⁴ See *Sexual Assault*, U.S. DEP'T JUST., (Apr. 1, 2016), <https://www.justice.gov/ovw/sexual-assault>.

victims, and ensures immigrant survivors have the opportunity to pursue justice. Without VAWA, many survivors would be unable to seek help in the wake of violence, and many more women and girls would be at acute risk of sexual assault, domestic violence, and stalking.

VAWA is particularly important to students, who face high rates of gender-based violence.⁵ The Campus Sexual Violence Elimination (SaVE) Act, which was passed as part of the 2013 VAWA reauthorization, increases transparency on campus about incidents of sexual violence, guarantees student victims' rights, sets standards for disciplinary proceedings, and requires campus-wide prevention education programs. This Act, alongside student activism and strong federal enforcement, has helped transform how schools address gender-based violence.

The Justice Department's Office on Violence Against Women (OVW) plays a vital leadership role in national efforts to address and end this violence. VAWA created OVW and today underpins its essential work: OVW administers 24 grant programs authorized by 1994 Violence Against Women Act and subsequent legislation. The Attorney General is tasked with leading OVW and the national fight to end gender-based violence. It is imperative that whoever fills this critical role understand the profound importance of the Violence Against Women Act in that fight.

Yet in 2012, Sen. Sessions joined a small group of legislators in opposing VAWA reauthorization, putting these essential programs, and countless survivors, at risk. The Senator instead supported a watered-down version of the Act that stripped protections for LGBT and Native American survivors—despite the fact that both groups face staggeringly high rates of gender-based violence.⁶ Senators from both sides of the aisle, and women across the nation, united behind a VAWA reauthorization to protect all victims. Yet Sen. Sessions still refused to support the bipartisan reauthorization bill and voted against its reauthorization, jeopardizing the safety of millions of victims and their families.

As advocates, services providers, and survivors, we know firsthand that the Violence Against Women Act saves lives; we believe that opposition to its reauthorization is inexcusable.

Hostility to Educational Civil Rights

The Educational Opportunities Section of the Civil Rights Division plays a key role in protecting students' ability to access education, in part by assisting the Department of Education in enforcing civil rights law in schools, including Title IX of the 1972 Education Amendments. Title IX prohibits sex-based discrimination in federally-funded educational programs and requires institutions to address campus sexual violence.⁷

⁵ See CHRISTOPHER P. KREBS ET AL., THE CAMPUS SEXUAL ASSAULT (CSA) STUDY: FINAL REPORT at 6-3 (2007), <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>.

⁶ See THE WHITE HOUSE COUNCIL ON WOMEN AND GIRLS, RAPE AND SEXUAL ASSAULT: A RENEWED CALL TO ACTION 9-10 (2014), https://www.whitehouse.gov/sites/default/files/docs/sexual_assault_report_1-21-14.pdf.

⁷ See Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 § 901(a), 86 Stat. 235, 373 (codified at 20 U.S.C. § 1681(a)(2012)).

Throughout his career, Sen. Sessions has fought the educational civil rights he would now be tasked with enforcing. For instance, he attacked the bipartisan Individuals with Disabilities in Education Act (IDEA), which was passed to ensure that disabled students could access public education alongside their able-bodied peers.⁸ Sen. Sessions characterized the law itself—rather than discrimination against disabled students—as an “irritating problem” and “really unacceptable.”⁹

Given his comments excusing sexual assault and his vote against the Campus SaVE Act, we are particularly concerned with Sen. Sessions’s apparent lack of commitment to addressing gender violence in schools. For too long, gender-based violence in our nation’s schools has been swept under the rug, impeding victims’ access to education and frustrating Title IX’s equality mandate.

One in five women, as well as many men and gender nonconforming students, will experience sexual violence during their time in college.¹⁰ This violence often limits, or outright precludes, victims’ ability to learn. Many survivors go to great lengths to avoid their perpetrators on campus, skipping shared classes,¹¹ or avoiding shared extracurriculars. Without support and accommodation, formerly successful students watch their grades drop as they struggle to participate in, or even attend, their classes.¹² Still other survivors report withdrawing from their classes or universities as a result.¹³ These effects are often exacerbated when a perpetrator remains on campus or when schools fail to support victims in the wake of violence.

Because gender-based violence jeopardizes victims continued access to education, courts have long recognized that schools receiving federal funding are required by Title IX to address

⁸ See Valerie Strauss, *Trump’s pick for attorney general once linked special education law to ‘decline in civility’ in classrooms*, WASH. POST (Dec. 2, 2016), https://www.washingtonpost.com/news/answer-sheet/wp/2016/12/02/sen-sessions-once-linked-special-education-law-to-decline-in-civility-in-classrooms/?utm_term=.d4dfa0d62b8a.

⁹ *Id.*; see also *Education Discipline and IDEA*, THE OFFICE OF SENATOR JEFF SESSIONS, <http://www.sessions.senate.gov/public/index.cfm/floor-statements?ID=a7977b1d-7e9c-9af9-753e-8f3a8b3b43fb> (last visited Jan. 6, 2016).

¹⁰ See KREBS, *supra* note 5, at 5-3.

¹¹ See Rebecca Marie Loya, *Economic Consequences of Sexual Violence for Survivors: Implications for Social Policy and Social Change* 96 (June 2012) (unpublished Ph.D. dissertation, Brandeis University) (on file with Know Your IX) (quoting a legal services provider stating that “Probably like 95% of the time, students will skip class for one reason or another. And, I mean, the reasons are because the perp’s in the class, because the perp’s friends are in the class, because, sometimes schoolwork just gets to be too much, again in the aftermath of the assault. Sometimes, they’ve come out to the professor as a survivor, and the professor hasn’t . . . been particularly supportive, so they won’t go back to the class. Sometimes it’s because they know that on their way to the class, they’ll see the perp because of their schedules or whatever. Sometimes they might be in different majors with different course studies, but they’ll have like a 101 class together, so that something will intersect, so they’ll stop going to the 101 class. So they won’t stop their studies on their own plane, but they’ll stop the ones that intersect with the perp”).

¹² See Cari Simon, *On Top of Everything Else, Sexual Assault Hurts the Survivors’ Grades*, WASH. POST: POST EVERYTHING (Aug. 6, 2014), <https://www.washingtonpost.com/posteverything/wp/2014/08/06/after-a-sexual-assault-survivors-gpas-plummet-this-is-a-bigger-problem-than-you-think>.

¹³ *Id.*

campus violence and address its effects.¹⁴ Unfortunately, as students have made clear time and time again, too few schools live up to their legal obligations.¹⁵

In recent years, the Department of Justice, alongside the Department of Education, has taken great strides in combating gender-based violence in schools, releasing key guidance documents clarifying schools' legal obligation to promptly and equitably respond to reports of sexual assault, intervening in litigation against schools, and ensuring that the Title IX rights of college students are robustly enforced.

Safe and equitable schools depend on an Attorney General who is committed to maintaining the Department's progress towards ending gender-based violence and ensuring that all students can pursue their education free from discrimination, harassment, and violence. Sen. Sessions's demonstrated hostility to educational civil rights, combined with his failure to condemn sexual violence, raises serious questions about his fitness to oversee the Educational Opportunities Section as Attorney General.

* * *

As Attorney General, Sen. Sessions would be tasked with fairly enforcing the laws that allow survivors of violence to seek justice, without bias on the basis of race, national origin, religion, sexual orientation, gender identity, or disability. This is particularly important because women of color, LGBTQ people, and people with disabilities face extremely high rates of gender-based violence and uniquely severe barriers to reporting assault and accessing accommodations.¹⁶ Therefore, we are deeply concerned by Sen. Sessions's long record of racially-insensitive statements and hostility towards civil rights. As Attorney General of Alabama, Sen. Sessions led a false and baseless prosecution of African-American civil rights activists;¹⁷ he has disparagingly

¹⁴ See e.g., *Gebser v. Lago Vista Indep. Sch. Dist.* 524 U.S. 274, 292 (1998) (tasking the Department of Education with "administering and enforcing Title IX, see 20 U.S.C. § 1682").

¹⁵ See Tyler Kingkade, *Harvard Forced Sexual Assault Victim to Live By Abuser, Lawsuit Claims*, HUFFINGTON POST (Feb. 17, 2016), <http://huff.to/1oqH9is>; U.S. Department of Education Releases List of Higher Education Releases List of Higher Education Institutions with Open Title IX Sexual Violence Investigations, U.S. DEP'T EDUC., (May 1, 2014),

<http://www.ed.gov/news/press-releases/us-department-education-releases-list-higher-education-institutions-open-title-ix-sexual-violence-investigations>; Walter Bogdanich, *A Star Player Accused, and a Flawed Rape Investigation*, N.Y. TIMES (Apr. 16, 2014), <http://www.nytimes.com/interactive/2014/04/16/sports/errors-in-inquiry-on-rape-allegations-against-fsu-jameis-winston.html>

¹⁶ See ERIKA HARRELL, CRIMES AGAINST PERSONS WITH DISABILITIES, 2009-2012 – STATISTICAL TABLES (2014), <https://www.bjs.gov/content/pub/pdf/capd0912st.pdf>; BLACK ET AL., THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY (NISVS): 2010 SUMMARY REPORT (2011), https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf; BLACK ET AL., THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY (NISVS): 2010 FINDINGS ON VICTIMIZATION BY SEXUAL ORIENTATION (2011), https://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf.

¹⁷ See Ari Berman, *Jeff Sessions, Trump's Pick for Attorney General, Is a Fierce Opponent of Civil Rights*, THE NATION (Nov. 18, 2016), <https://www.thenation.com/article/jeff-sessions-trumps-pick-for-attorney-general-is-a-fierce-opponent-of-civil-rights/>.

called the Voting Rights Act a “piece of intrusive legislation”¹⁸ and civil rights organization like the NAACP “un-American”.¹⁹ When Sen. Sessions was nominated for federal judgeship in 1985, his Justice Department colleagues testified under oath that Mr. Sessions repeatedly referred to an African-American attorney as “boy” and told him to “be careful what you say to white folks”.²⁰ Sen. Sessions even once joked about thinking the KKK were “okay”.²¹ He is a longtime opponent of LGBTQ rights²² and has closely associated himself with organizations founded by white supremacist John Tanton.²³

We respect the Senate’s responsibility to give due consideration to nominees put forth by the President of the United States and to ensure Sen. Sessions has a fair hearing before the Senate and the nation. We urge you to carefully and fully consider Sen. Sessions’s record on violence against women and girls as part of this process, and the critical role of the Attorney General in the ongoing project of ensuring survivors in the United States can access their educations, medical care, housing, and justice. At a time when this country has begun to acknowledge the pervasiveness of sexual assault, we can neither turn our backs on survivors, nor ignore the essential role our leaders play—through both their words and actions—in preventing it. We believe that a fair assessment of Sen. Sessions’s record on violence against women and girls will yield the same conclusion we have reached: Sen. Sessions’s record is disqualifying.

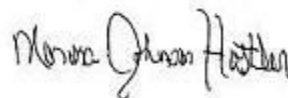
Thank you for your consideration and your commitment to ending gender violence in our country.

If you have any questions, please contact Mahroh Jahangiri at mahroh@knowyourix.org.

Sincerely,



Mahroh Jahangiri
Executive Director
Know Your IX



Monika Johnson Hostler
President
National Alliance to End Sexual Violence

¹⁸ *Id.*

¹⁹ See Matt Apuzzo, *Specter of Race Shadows Jeff Sessions, Potential Trump Nominee for Cabinet*, N.Y. TIMES (Nov. 18, 2016), http://www.nytimes.com/2016/11/17/us/politics/specter-of-race-shadows-jeff-sessions-potential-trump-nominee-for-cabinet.html?_r=0.

²⁰ *Id.*

²¹ *Id.*

²² See Trudy Ring, *AG Pick Jeff Sessions Got a Zero on HRC’s Scorecard*, THE ADVOCATE (Nov. 18, 2016), <http://www.advocate.com/politics/2016/11/18/ag-pick-jeff-sessions-got-zero-hrcs-scorecard>.

²³ See Stephen Piggott, *Jeff Sessions: Champion of Anti-Muslim and Anti-Immigrant Extremists*, THE SOUTHERN POVERTY LAW CENTER, <https://www.splcenter.org/hatewatch/2016/11/18/jeff-sessions-champion-anti-muslim-and-anti-immigrant-extremists> (last visited Jan. 6, 2017).