

January 9, 2017

The Honorable Chuck Grassley, Chairman  
United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein, Ranking Member  
United States Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

Members of the United States Senate Committee on the Judiciary

Dear Chairman Grassley, Senator Feinstein, and Members of the Committee:

I am writing to urge you, out of respect for the American values enshrined in the Constitution, not to confirm Sen. Jeff Sessions to be Attorney General of the United States. I am also well aware of the fact that the Republican Majority of this honorable Committee may confirm Sen. Sessions after an incomplete and less than thorough hearing which will compromise its moral authority in our legislative system.

But as a grateful patriot citizen I must voice my concerns, timely and loudly, on behalf of our beloved nation that the Civil Rights progress we have made thus far is threatened by this nominee for the office of the chief law enforcement officer of our nation.

I also write to you as a citizen of the United States of America, a country that welcomed me when I chose to make it my home. I love this country deeply and am grateful for the freedom and opportunities it has given to me and my family. I am also an attorney who reveres the rule of law, and most especially the United States Constitution. It is out of respect for our constitutional values, and not out of any personal disrespect for Sen. Jeff Sessions, that I am urging you not to confirm Mr. Sessions as U.S. Attorney General.

People around the world look to our Constitution with envy. They are inspired by its promise of equal protection of the law to everyone – not just people from powerful families, or a favored ethnic group or religious community. During the past 50 years, the United States has taken many significant steps to make sure that equal protection of the law is not just a promise, but a reality. That is especially true for one of the most cherished rights we enjoy as U.S. citizens, the right to vote. Protecting this sacred right is one of the most important responsibilities of the Attorney General, and that is one reason this position cannot be entrusted to Mr. Sessions.

I wish to say emphatically that this is about a principle that, like the Constitution, is bigger than politics and partisanship. The last time Mr. Sessions was before the Senate as a nominee – in that case to be a federal judge – Republicans held the majority in the Senate and on the Judiciary Committee. They rejected Mr. Sessions in part because he used the power of his office as a U.S. Attorney to prosecute community activists who helped poor and elderly people exercise their right to vote. Fortunately, the courts rejected Mr. Sessions' efforts, but it is hard to understand, much less accept, his actions.

Sadly, Mr. Sessions has not demonstrated a greater understanding that the right to vote should transcend partisan interests. He has harshly criticized the national Voting Rights Act, which as Attorney General he would be charged with enforcing, and supported states that have done away with procedures designed to help people vote. There is no constitutional principle or American value that is strengthened by making it harder for some Americans, especially those who are already disadvantaged, to exercise their right to vote.

Another threat to the American ideal is violence and intimidation directed against ethnic and religious minorities. There have been hundreds of such incidents in the weeks since the presidential election. The bigotry at the root of these incidents is a threat to individual lives and families and to a society grounded in the constitutional values of equality and pluralism. It is shocking to even consider that at this very moment

our Department of Justice would be led by someone who has cultivated close relationships with organizations that promote racial and religious divisiveness and hostility toward immigrants, as Mr. Sessions has.

I am also a Muslim American who cherishes the First Amendment's guarantee of religious liberty. There is nothing that demonstrates the American ideal more than our country's commitment to religious freedom for all people. And that is another reason that Mr. Sessions cannot be entrusted with the office of Attorney General.

Mr. Sessions has defended proposals that would single Muslim immigrants out for discriminatory treatment on the basis of their religious beliefs. He has happily accepted awards from the most intensely anti-Muslim organizations and groups that spread the vile falsehood that Muslims cannot be loyal Americans. That is not the American Way.

My son, US Army Captain Humayun Khan, was a living rebuke to such bigotry. He gave his life in service to this country, earning a Purple Heart and the Bronze Star for his heroism. He, like the people of every gender, ethnicity, and religion whose bodies rest in Arlington National Cemetery, which include FIVE Muslim Soldiers, swore an oath to protect the Constitution.

One central constitutional value, something that sets the United States apart from so many countries, is the freedom of individuals to organize, to speak out on behalf of their values, and to dissent against official wrongdoing. It is this freedom that allows me to make my case to you. Mr. Sessions has denounced anti-war protesters and described the NAACP and the ACLU as un-American, which indicates he does not understand patriotic dissent or value the role that these organizations play in upholding our constitutional values.

I urge you to think beyond partisan politics as you consider this nomination. Thirty years ago, a bipartisan group of senators rejected Mr. Sessions' nomination to be a federal judge. His record since then does not give us any reason to believe that those senators were in error. Mr. Sessions has confirmed their concerns and raised additional ones. For example, unlike the vast majority of his Republican and Democratic Senate colleagues, he voted against a law that would prohibit the U.S. military from engaging in torture, something that violates our very sense of decency and humanity as well as our commitment to the rule of law.

I am one citizen expressing his voice. But my concerns are shared by many others, including people who have dedicated their lives to protecting constitutional rights, and more than 1200 law school professors.

The most minimal standard for leading the Department of Justice must be a demonstrated commitment to pursuing justice for all Americans. Mr. Sessions fails to meet that standard. Americans deserve better. In conclusion, I appeal to this honorable committee to reject Sen. Sessions' nomination to be the chief law enforcement officer of our country.

Respectfully,

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

Khizr M. Khan  
Charlottesville\*, Virginia

\*World Class City of Thomas Jefferson.