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Mr. Arturo Vargas

†deceased

January 11, 2017

Senator Charles Grassley
Senate Judiciary Committee Chair
135 Hart Senate Office Building
Washington, DC 20510

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

Senator Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

Senator Charles E. Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

Dear Senators:

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) and NALEO Educational Fund, we write to urge you to reject the nomination of Senator Jefferson Sessions to serve as U.S. Attorney General. On the basis of his statements and actions as a lawyer and a public official, our organizations conclude that as Attorney General, Sen. Sessions would significantly impair the federal government's legally-mandated efforts to ensure fair treatment and equal opportunity for historically underrepresented communities.

NALEO is a non-partisan membership organization committed to ensuring that the nation's more than 6,100 Latino elected and appointed officials are effective advocates for the communities they serve. NALEO Educational Fund is the nation's leading 501(c)(3) non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our organizations provide national leadership on key issues that affect Latino participation in our political process, including immigration and naturalization, voting rights, election reform, the Census, and the appointment of qualified Latinos to top executive and judicial

positions. Our Board members and constituency include Republicans, Democrats and Independents.

I. Enforcement of Civil Rights Protections

Among the many important duties of the U.S. Attorney General, two that are of heightened concern to our organizations are oversight of the Civil Rights Division's enforcement of non-discrimination protections, and of the Executive Office for Immigration Review (EOIR). The Attorney General has significant discretion to define priorities for U.S. Attorneys and Department of Justice (DOJ) staff who ensure adherence to the Voting Rights Act (VRA), the Civil Rights Act, and other statutory guarantees of equal protection. These laws give federal legal officers authority to challenge discrimination which they have used over the past 50 years to greatly increase the opportunities available to members of racial, ethnic, and linguistic minority groups. For example, according to the Census Bureau, just 37.5% of Hispanic adults voted in the 1972 Presidential election, the last to take place before Congress added protections for Latino voters to the VRA in 1975. In subsequent years, Latino voter turnout has been on an upward trajectory, reaching 49.9% of eligible voters in the 2008 Presidential election, and potentially higher in November 2016.

The Attorney General also exercises broad discretion over the immigration court system, and possesses extraordinary authority to choose and advise immigration judges, and even overrule their decisions. EOIR decides the fate of hundreds of thousands of individuals each year. It also administers programs of critical importance to immigrants and their families, such as the Legal Orientation Program that helps people who cannot afford an immigration lawyer understand the adjudication process. The Attorney General leads the DOJ in enforcing recent Supreme Court decisions which have set forth limits on states' and localities' involvement in immigration enforcement, and in advising law enforcement agencies at all levels of government on the extent of their authority and obligations under federal immigration laws. In exercising these powers, the Attorney General deeply affects the lives and livelihoods of many immigrants and their American families and home communities.

Sen. Sessions' actions and votes over the course of his career in public service indicate that as Attorney General, he would direct the DOJ to act in ways that threaten the progress Latinos have achieved toward equality in the electoral arena and full civic participation. Sen. Sessions has expressed skepticism of the vigorous enforcement of federal anti-discrimination laws. He lauded the Supreme Court's 2013 VRA-weakening decision in *Shelby County v. Holder* as "good news," though it has paved the way for adoption of voting law changes that have thus far impaired more than one million eligible Latino voters' access to the ballot. Sen. Sessions commented that he did not "think in Shelby County, Alabama, anyone is being denied the right to vote because of the color of their skin." Senator Sessions made these comments even though the DOJ found that two municipalities in the County had enacted annexations and redistricting plans which diminished African Americans' electoral influence within the decade immediately preceding the *Shelby* case.

Sen. Sessions has opposed and voted against legislation to expand protections of equal treatment of women, LGBT individuals, and people with disabilities. He also championed legislation that would have prohibited government from providing services in languages other than English, and the Department of Housing and Urban Development from using federal funds to enforce affirmative fair housing protections.

It is particularly troubling that Sen. Sessions is alleged to have personally perpetrated and expressed tolerance for discriminatory behavior toward groups of Americans on the basis of their race, ethnicity, and religion. In sum, if confirmed, he is likely to prevent DOJ employees from faithfully performing their crucial duty to challenge and eliminate racial, ethnic, and other unjust disparities that continue to impede Latinos and other underrepresented communities from making invaluable contributions to our nation's prosperity and security.

II. Immigration Policy

Sen. Sessions' actions and statements concerning immigration policy belie a hostility toward many members of the Latino community in the United States that is unacceptable to our organizations, and that should counsel strongly against his confirmation to oversee important aspects of our justice system. Sen. Sessions advocates reduction in both authorized and unauthorized immigration, and has embraced anti-immigration organizations grounded in white nationalist beliefs. He opposes recognition of the American citizenship of every person born in our country, even though the Constitution has been understood for more than 150 years to grant equal protection and citizenship to all who are native-born. He has voted against the Dream Act and comprehensive immigration reform efforts undertaken during the George W. Bush and Obama Administrations.

Senator Sessions has displayed particular antipathy toward Latino immigrants, making public statements such as, "Fundamentally, almost no one coming from the Dominican Republic to the United States is coming because they have a skill that would benefit us and that would indicate their likely success in our society." Sen. Sessions' record of broad opposition to immigrants' presence ignores the immense benefits that immigration brings to our nation, and minimizes the potential negative consequences of reducing legal immigration or ineffectively toughening enforcement.

Over the course of our nation's history, Latinos have made enormous progress toward equal participation and representation in government, and yet systemic inequity endures. As our population and electorate have become more diverse, some policymakers have responded by adopting new voting restrictions that disproportionately impair underrepresented voters' access to the ballot. As it has become increasingly apparent that our immigration policies are both central to our success as a nation and ill-equipped to meet contemporary needs, some have championed draconian, punitive approaches that would imperil our identity as a country that welcomes immigrants who are committed to our values and prepared to work hard for personal success and for the advancement of the United States. We cannot afford for our premier law enforcement agency to be led by an Attorney General who will refuse to use its power to further equality, and to advocate fair immigration policies that balance and serve the best interests of all

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Americans. For this reason, we urge you to reject Sen. Sessions' nomination to this critical position.

Should you have any questions, please contact Laura Maristany, the NALEO Educational Fund's Washington, DC office director at 202-360-4182 or at lmарistany@naleo.org. Thank you for your consideration of our recommendation.

Sincerely,



Pauline Medrano
NALEO President



John Duran
NALEO Educational Fund Chairman

cc: Members of the Senate Judiciary Committee
Congressional Hispanic Caucus
Congressional Hispanic Conference