



January 6, 2017

The Honorable Chuck Grassley
Chairman
Senate Judiciary Committee
Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patrick Leahy
Ranking Member
Senate Judiciary Committee 224
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Leahy:

The Center for Inquiry (“CFI”) writes to request that during the confirmation hearing for Sen. Jeff Sessions, who has been nominated for Attorney General, you inquire about his long history of antipathy towards the role of the Department of Justice (“DOJ”) and the federal government in ensuring equal protection under the law for all Americans — most notably those who face discrimination based on their racial or religious background, their gender, or their sexual orientation.

CFI is the country’s largest secular humanist and skeptic organization, and works to advance reason, science, and humanist values in public affairs. CFI is concerned with Sen. Sessions’ long history of public actions and reported statements opposing equal rights for all and challenging the role which the DOJ plays in ensuring all Americans can enjoy the rights guaranteed to them under the U.S. Constitution.

In both his legal and political careers, Sen. Sessions has a track record of opposing the use of federal power to ensure equal treatment for racial minorities. As Alabama’s Attorney General, he campaigned to overturn a federal court decision holding that the funding disparities between Alabama’s richest (and whitest) and its poorest (and blackest) school districts violated the federal constitution.¹ At his confirmation hearing in which he was rejected for a seat on the federal bench himself, witnesses testified that Sen. Sessions had made a series of racially charged remarks, calling the NAACP “un-American” and “communist-inspired,” as well as derogatorily referring to a black Assistant US Attorney as “boy.”² Sen. Sessions also referred to the Voting Rights Act, which protects the fundamental and long-denied right of African Americans to vote, as “a piece of intrusive legislation.”³

Sen. Sessions’ record regarding women’s rights also shows no support for federal protection of hard-won constitutional rights and deserved equal treatment. As a Senator, he opposed both the

¹ Thomas J. Sugrue, *Jeff Session’s Other Civil Rights Problem*, N.Y. Times (Nov. 21, 2016), http://www.nytimes.com/2016/11/21/opinion/jeff-sessions-other-civil-rights-problem.html?_r=0

² Associated Press, *Jeff Session’s Record on Civil Rights, Race Revisited After Trump’s Attorney General Tap*, Fortune (Nov. 19, 2016), <http://fortune.com/2016/11/19/jeff-sessions-race-civil-rights/>

³ Sarah Wildman, *Jeff Session’s Chequered Past*, The Guardian (May 5, 2009), <https://www.theguardian.com/commentisfree/cifamerica/2009/may/05/jeff-sessions-arlen-specter-judiciary-committee>

Lilly Ledbetter Fair Pay Act of 2009,⁴ and the reauthorization of the Violence Against Women Act in 2013.⁵ He has opposed abortion rights at every possible turn, supported moves to defund Planned Parenthood,⁶ and announced, in the light of the revelation of a tape featuring then-presidential candidate Donald Trump discussing his handling of women, that he was uncertain if grabbing a woman by the genitals would constitute sexual assault.⁷

Sen. Sessions has also made clear his opposition to rights or federal protections for the LGBT community. He was critical of the Supreme Court's decision in *Lawrence v. Texas*, which struck state laws criminalizing homosexual intercourse, claiming the ruling "divorced morality from the law. When the Court recognized a constitutional right for same sex couples to marry in *Obergefell v. Hodges*, he claimed it had "disregarded the men and women whose convictions have defined the course of Western civilization."⁸ And, when Congress sought to protect gays and lesbians from hate crimes through the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, Sen. Sessions was a vocal opponent.⁹

Sen. Sessions also holds views on the role of religion, especially Christianity, in government that cast doubt on his commitment to the principal of government neutrality towards religion. He has described the concept of separation of church and state, a bedrock of our constitutional system, as "a recent thing that is ahistorical and unconstitutional" and "an extra-constitutional doctrine."¹⁰ He has expressed support for plans to exclude people from the country on grounds of their religion.¹¹ He has also cast doubt on whether Supreme Court Justice Sonia Sotomayor was sufficiently religious to be a member of the nation's highest court, adding that if "you don't believe in a higher being, maybe you don't believe there is any truth."¹²

The Department of Justice serves as the protector of all Americans — of all races, religions, genders, and sexual orientations — from oppression. When a state oversteps its authority, and tramples on the rights of individual members of society, it is to the Department of Justice that they turn for vindication. It is therefore essential that Sen. Sessions be questioned thoroughly regarding his commitment to equal justice for *all* Americans. CFI respectfully requests you to ensure that our next Attorney General is one committed to ensuring civil rights for all, not one

⁴ http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=111&session=1&vote=00014

⁵ http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=113&session=1&vote=00019

⁶ Elizabeth Beshears, 'Defund Planned Parenthood' fails in the U.S. Senate, despite majority, Sessions, Shelby support, The Yellowhammer (Aug. 3, 2015), <http://yellowhammernews.com/politics-2/defund-planned-parenthood-fails-in-the-u-s-senate-despite-majority-sessions-shelby-support/>

⁷ Laura Bassett, *GOP Senator Says Grabbing A Woman's Genitals Is Not Sexual Assault*, Huffington Post (Oct. 10, 2016), http://www.huffingtonpost.com/entry/jeff-sessions-trump-sexual-assault_us_57fbb902e4b068ecb5e06988

⁸ Adam Serwer, *Will Jeff Sessions Roll Back Civil-Rights Protections?*, The Atlantic (Nov. 18, 2016), <http://www.theatlantic.com/politics/archive/2016/11/trumps-pick-for-attorney-general-foreshadows-a-civil-rights-rollback/508172/>

⁹ Brandon Ellington Patterson, *Jeff Sessions Fought Against Hate Crimes Protections For LGBT Victims*, Mother Jones (Nov. 22, 2016), <http://www.motherjones.com/politics/2016/11/jeff-sessions-hate-crime-law>

¹⁰ Rob Boston, *Jed Sessions Is No Fan Of Separation Of Church And State* (Nov. 21, 2016), <https://www.au.org/blogs/wall-of-separation-of-church-and-state>

¹¹ Sam Kestenbaum, *Trump's Muslim Ban Has an Advocate in Attorney General Pick Jeff Sessions*, Forward (Nov. 18, 2016), <http://forward.com/news/354898/trumps-muslim-ban-has-an-advocate-in-attorney-general-pick-jeff-sessions/>

¹² Kevin Daley, *Sessions: Sotomayor May Not Be Religious Enough To Be SCOTUS Justice*, Daily Caller (July 22, 2016), <http://dailycaller.com/2016/07/22/sessions-sotomayor-may-not-be-religious-enough-to-be-scotus-justice/>

who, as Sen. Sessions is reported to have said of civil rights cases as a US Attorney, wishes he “could decline on all of them.”¹³

Very truly yours,

A handwritten signature in black ink, appearing to read 'N Little', with a stylized flourish at the end.

Nicholas Little
Vice President and General Counsel
Legal Director
Center for Inquiry

¹³ *Sessions Subordinate: I Thought I'd Be Fired If I Objected To Being Called 'Boy'*, Talking Points Memo (May 7, 2009), <http://talkingpointsmemo.com/dc/sessions-subordinate-i-thought-i-d-be-fired-if-i-objected-to-being-called-boy?ref=fp1>