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STATEMENT OF CONGRESSMAN JOHN LEWIS (GA)
ON THE NOMINATION OF SENATOR JEFFERSON BEAUREGARD SESSIONS, III
TO SERVE AS ATTORNEY GENERAL OF THE UNITED STATES
January 11, 2017

Mr. Chairman and Madam Ranking Member, thank you for inviting me to testify today.

Millions of Americans are encouraged by attempts to create a more inclusive democracy in the last 50 years. There is a clear majority of Americans, who want ours to be a fair and just nation. The people who are afraid today about the direction this nation is headed are the voices I represent today. They are deeply disturbed by leaders who reject decades of progress and seek to return to a dark past when the power of law was used to deny the freedoms guaranteed to all Americans by the Constitution, the Bill of Rights, and the Amendments.

I am here today to raise questions about the President-elect's nominee for attorney general, because many are concerned that his call for "law and order" means what it meant in Alabama and other parts of the South -- where the law was used to violate the rights of the most vulnerable among us.

I was born and raised in the heart of rural Alabama -- not very far from where Senator Sessions grew up. In fact, I am only a few years older than Senator Sessions. He was born in 1946, and I was born in 1940. In those days there was no way to miss the chokehold of discrimination and hate that was rampant throughout our State. Segregation was the law; it ordered the society of the Deep South. An African American who did not cross the street when a white person walked down the same sidewalk, who did not move to the back of the bus, who drank from a white water fountain, or who looked a white person directly in his eyes could be arrested and taken to jail.

All around us there was murder and lynching. Black men were castrated. Women and children were beaten and harassed. Churches were bombed. Four little girls were killed on a Sunday morning. Civil rights workers were disappearing. Three young men I knew -- James Chaney, Andrew "Andy" Goodman, and Michael "Mickey" Schwerner -- were beaten, shot, and killed for helping African Americans register to vote.

Senator Sessions and I come from a region with a history of beating and jailing people because of the color of their skin. Heart-breaking stories like those of Virgil Ware, a 13-year-old

boy who was shot near Birmingham by an Eagle Scout inspired by a segregationist rally, were far too frequent. We come from a region where many White southerners – lawyers, ministers, rabbis – who exercised their legal right to criticize these actions were forced to flee their homes. This was the law and the order of our society in Alabama. This was the world where Senator Sessions and I were both raised.

I was one of many young people who could no longer stand on the sidelines and watch discrimination happen, even though it was the law of the land. The forces of law and order in Alabama were so strong that those of us who wanted to stand up against this injustice had to confirm that we knew we were willing to put our bodies – our lives – on the line. We knew that the price of dissent could be death. The only way we could demonstrate that the law which ordered Alabama society was an offense to human dignity was to challenge that law and expose the moral injustice people of color had to endure.

Mr. Chairman, I submit to you that it is not law that is sacred above all, but the spark of the divine that is enshrined in every human being. As leaders of this society, we cannot simply wrap ourselves in the rule of law and use it as an excuse to cover the enforcement of inherent bias in the statutes. It is our daily work as legislators to seek to create laws that are fair but also respect the human dignity of all Americans, not just some.

That is why I see myself in the young people of today who are protesting against the order of our society that treats some crimes with lenience but offers the harshest penalties to their mothers and fathers, sisters and brothers. It is important to question how the nominee will confront the challenges of warranted criticism, or free, but unsavory, speech, and the exercise of the right to demonstrate how the law itself creates injustice.

On March 7, 1965, Hosea Williams -- who worked with Dr. Martin Luther King, Jr. -- and I attempted to lead a march for voting rights from Selma to Montgomery. Many men, women, and children were beaten, trampled, and gassed by the local sheriff. The terrible events of that day led to the passage of the Voting Rights Act in 1965 and are part of the historical record used to validate the reauthorization of that law in 1970, 1975, 1982, 1992, and most recently in 2006. When people around the country and the world saw what passed for the enforcement of law and order in Alabama, their outcry was deafening. They demanded change.

When Senator Sessions served as the U.S. Attorney for the Southern District of Alabama, he chose to prosecute a few of those civil rights icons who were on the bridge with us that day. If you look closely at the pictures, you can see one of those gentlemen, Mr. Albert Turner, in the second row, right behind Hosea. The Marion Three, as they were known, were tried for voter fraud as they attempted to register people to vote in rural Perry County, people who before had had no voice. In a matter of hours, an Alabama jury predisposed to convicting African Americans found them all innocent of any guilt. Mrs. Albert Turner, who was wronged by these actions, still bears the traumatic memory of his prosecution to this day.

It took massive, orchestrated dissent for Congress to pass and the President to sign the Voting Rights Act (VRA) of 1965 into law. It required criticism of this great nation and the laws that were on the books to move this nation toward equal justice. We have made a lot of progress,

but we are not there yet. As demonstrated by the thousands of pages of evidence submitted to Congress during the 2006 VRA reauthorization, voting discrimination and the scars and remnants of racism are still deeply embedded in our society.

In 1986 letters submitted to this very Committee, Mrs. Coretta Scott King opposed Mr. Sessions's nomination to be a Federal judge, and Alabama State legislators highlighted his comment that "the Voting Rights Act is an intrusive piece of legislation and black and white people could work out any problems without having civil rights forced down their throats." These foot soldiers for voting rights knew that any progress was due solely to the effectiveness and continued need of the Voting Rights Act.

Elected in 1996, Senator Sessions had many opportunities to take a true leadership role. Unfortunately, as a Senator and a Member of this very Committee, Senator Sessions continued to turn a blind eye to unrelenting efforts to suppress minority voting rights during the 2006 VRA reauthorization.

His carefully crafted speeches mirrored those of others who declared the Voting Rights Act a relic of the past. Senator Sessions begrudgingly voted to reauthorize the Voting Rights Act in 2006. He argued for a new formula and for the burden to be on the Department of Justice, not the States. He cited an increase in voter turnout and in African Americans serving in public office as signs of change, and he echoed an irritation which mirrored those forces in Alabama whose continued attempts to suppress minority voting rights were thwarted hundreds of times by the U.S. Department of Justice.

Not once have I heard Senator Sessions praise the VRA for the changes and protections against present-day, ongoing, discriminatory practices in jurisdictions previously covered by the preclearance formula. Not once did he condemn his hometown's continued efforts to prevent African American representation on the City Council. Not once did he praise the Department of Justice's success in thwarting repeated attempts to undermine minority voting rights in Alabama. Not once have I heard Senator Sessions acknowledge the cold, hard facts necessitating Alabama's continued preclearance coverage under the VRA.

The record must be clear. Voting Rights Act had a two-way door. There were jurisdictions which were no longer subjected to preclearance after building a strong record, and there were jurisdictions added for failing to adhere to the spirit and letter of the law. For decades, Alabama participated in a pervasive, concerted attempt to suppress minority voting rights. Time and time again, Alabama and many other covered States and jurisdictions made the case for the VRA's continued need and fought at every possible opportunity against the law's implementation. After years of determined defiance, Alabama finally succeeded in breaking the heart and soul of the Voting Rights Act in the *Shelby County v. Holder* case.

In the aftermath of the *Shelby County v. Holder* decision, when the Supreme Court gutted the heart and soul of the Voting Rights Act, minorities and civil rights advocates were in mourning, while Senator Sessions was jubilant. He called the decision "good news for the South." Before the ink was dry on the *Shelby County v. Holder* decision, states like Alabama,

Texas, and North Carolina adopted flagrantly restrictive voter identification legislation – which defied the spirit and intent of the Voting Rights Act. After the *Shelby County v. Holder* decision, Alabama even began closing the very offices where African Americans and other voters now needed to secure the newly required voter identification. It was the modern version of counting bubbles on a bar of soap or jelly beans in a jar.

Too many people believe that the 48 years of a fully-operational Voting Rights Act stomped out hundreds of years of hate. Truth be told, Alabama and many other covered jurisdictions made the case for the Voting Rights Act time and time again. Alabama's persistent, consistent efforts to discriminate against minority voters resulted in Federal court cases and consent decrees. These extraordinary measures are the only reason why Alabama does not have the recent records of Georgia, Mississippi, or Texas. Let me be even clearer, without the Voting Rights Act, Alabama's recent record would be much, much worse.

Representing Alabama on this Committee, Senator Sessions had an opportunity to lead, but in Senator Sessions' mind, there is an "excessive focus on race in American politics." His friends may argue that he was only doing his job, but the Senator knows full well that the law of Alabama and in many states in the Deep South is used like a ramrod not to cultivate justice, but to implement the political will of one group over another to this very day.

This is why so many Americans fear potentially unprecedented opposition and hostility towards realizing the mission and mandate of the Civil Rights Division and the Voting Section of the Department of Justice. This is what is so concerning about the idea of someone who voted against the Hate Crimes Prevention Act and the Violence Against Women Act being the chief law enforcement official in our nation.

We have made progress. We have come a long way, but we are not there yet. Old women and young children may not be beaten and trampled by horses, but there are other means and devices of suppressing the guarantee of all Americans to stand up and speak out for their rights.

We are a multi-racial, multi-ethnic country. We are and must be aware of our differences. We cannot escape this reality. The issue of discrimination cannot be swept into a corner or under a rug. It is still here. Senator Sessions grew up in Alabama the same way that I did. Maybe he did not taste the bitter fruits of racism, but there is no way to ignore the lingering reality of hate in our country.

Look around. In recent years, we witnessed forces coming out of the shadows. There is a deliberate, systematic attempt to take us back to a different time, a different place. No one, but no one should be discriminated against because of their race, religion, disability, sexual orientation, gender identity, or national origin. Will he feel the hurt and pain of the people today, or will he disregard it as a memory pain of the past?

Discrimination existed in the past, and it exists to this day. Those familiar with history know all too well that the law can be used to deny or to protect human dignity. This is why the head of the Department of Justice is one of the most important positions in our nation, and its leader must be a headlight, not a taillight for all Americans, not just a select few. It will require

more than “maintaining” the freedom and equality of the system. It will take more than a commemorative photo on a bridge in Selma or a medal ceremony in the Capitol. It will take hard work and commitment from the soul.

At times and when pressed, Senator Sessions may have done what was required, but the question is whether he go the extra mile. Today, I ask the members of this Committee to consider the same question that Senator Sessions posed to many witnesses who went through this very same confirmation process. Will his background, sympathies, and prejudices impact his service to our nation?

Mr. Chairman, I have heard members of this Committee imply that we must ignore the past, that we should not give weight to the actions of another period. I disagree. I believe it is the only true answer to the questions asked today.

Many want to gamble with the question, “Where does Senator Sessions stand?” As a fellow Southerner, I have no doubt that Senator Sessions is polite to all he meets. My concern is not about how nice he is; it is about what is in his heart and soul. Will he open up the political process? Will he fight to realize the dream of one person, one vote? Will he support the spirit and the will of the law? Will he join the civil rights community in enforcing the remaining provisions of the Voting Rights Act? Will he work with Congress to restore the preclearance formula?

Or will the Senator encourage a continued and full assault on the remnants the Voting Rights Act as he did in the aftermath of the *Shelby County v. Holder* decision? Will he oppose common-sense, bipartisan, legislative responses to fix what the Supreme Court broke? Will he empower career staff to fight for the human rights and civil rights of all – especially those who have no one to speak up and speak out for them?

Let me be crystal clear. If we are to govern this nation justly, we must protect progress at every turn, not elevate those who question the necessity of progress itself. The Attorney General is expected to be a champion of justice for all people. They fight to ensure that every person – White, African American, Latino, Asian, or Native American – will be allowed to participate in the democratic process and that every person will be afforded equal protection under the law.

When faced with a challenge, Senator Sessions has frequently chosen to stand on the wrong side of history. As the entire world watches, I ask the Members of this Committee to look deep within and ask whether we can take that chance with the highest law enforcement official in our country. Leadership is not easy. You have a lot of information and are digging for the truth. You are expected to make tough decisions – to do what is right, what is just, and what is fair for those who hope that you will stand up on their behalf.

Again, I thank you for the invitation and opportunity to testify today.