



December 1, 2016

AN OPEN LETTER TO THE UNITED STATES SENATE
Civil and Human Rights Organizations Oppose Confirmation of Jeff Sessions

Dear Majority Leader McConnell, Democratic Leader Reid, Chairman Grassley, and Ranking Member Leahy:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promote and protect the civil and human rights of all persons in the United States, and the 144 undersigned organizations, we are writing to express our strong opposition to the confirmation of Senator Jefferson B. Sessions (R-AL) to be the 84th Attorney General of the United States.

Senator Sessions has a 30-year record of racial insensitivity, bias against immigrants, disregard for the rule of law, and hostility to the protection of civil rights that makes him unfit to serve as the Attorney General of the United States. In our democracy, the Attorney General is charged with enforcing our nation's laws without prejudice and with an eye toward justice. And, just as important, the Attorney General has to be seen by the public – every member of the public, from every community – as a fair arbiter of justice. Unfortunately, there is little in Senator Sessions' record that demonstrates that he would meet such a standard.

In 1986, when then-U.S. Attorney Sessions was nominated by former President Ronald Reagan to serve as a judge on the U.S. District Court for the Southern District of Alabama, the Republican-controlled Senate upheld its constitutional duty, undertaking a careful and comprehensive review of his record at that time. The Judiciary Committee was presented with compelling evidence that then-U.S. Attorney Sessions had a deeply troubling record as an opponent of civil rights enforcement, a champion of voter suppression tactics targeting African Americans, and a history of making racially-insensitive statements. This record included warning an African-American colleague to be careful about what he said “to white folks,” and speaking favorably about the Ku Klux Klan, as well as his prosecution of three African-American voting rights activists on dozens of charges that were promptly rejected by a jury.¹

As you know, the Attorney General is our nation's highest law enforcement official, with a particular responsibility to protect the civil and human rights of all Americans. The Leadership Conference opposes Senator Sessions' nomination to become Attorney General, in part, because of the previous record we have cited. However, it would be a grave mistake to assume that our opposition is based only on incidents prior to his judicial nomination.

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Anti-Defamation League

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Wade J. Henderson

Executive Vice President & COO

Karen McGill Lawson



Indeed, the following are examples of his actions as a Senator over the past 20 years that raise very disturbing questions about his fitness to serve as Attorney General:ⁱⁱ

Voting Rights: In addition to his failed 1985 prosecution of three voting rights activists who were working to increase African-American registration and turnout, Senator Sessions has voiced strong support for restrictive voter ID laws that have had the effect of disenfranchising many otherwise eligible voters, called the Voting Rights Act “intrusive” as it seeks to protect eligible minority voters, and praised the Supreme Court ruling in *Shelby County v. Holder* (2013) that gutted a key part of the Voting Rights Act of 1965. This is hardly the record of someone to be entrusted with the protection of voting rights for all Americans.

Association with White Nationalist and Hate Groups regarding Immigration Policy: Senator Sessions has been a fierce opponent of comprehensive immigration reform, referring to a bipartisan 2007 bill as “terrorist assistance.” He has closely associated himself with NumbersUSA, the Federation for American Immigration Reform, and the Center for Immigration Studies, all three of which were founded by John Tanton, who held white nationalist beliefs and called for the preservation of a “European-American majority.” Senator Sessions has also received awards from the David Horowitz Freedom Center and Frank Gaffney’s Center for Security Policy, two organizations designated as anti-Muslim hate groups by the Southern Poverty Law Center.

Hate Crimes and LGBT Rights: Senator Sessions opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, even though a unanimous Supreme Court had long ago upheld a similar state law in *Wisconsin v. Mitchell* (1993). This is particularly disturbing at a time when there have reportedly been more than 700 hate incidents committed in the weeks since the election. The next Attorney General must recognize that hate crimes exist, and vigorously investigate them.

In addition, on LGBT rights, Senator Sessions supported a constitutional amendment to ban same-sex marriage. He also opposed the repeal of “Don’t Ask Don’t Tell.”

Women’s Rights: Senator Sessions has consistently opposed legislation to advance women’s rights, notably opposing multiple efforts to address the pay gap, to protect women’s access to reproductive health services, which disproportionately affect low-income women and women of color, and to address the scourge of violence against all women. Specifically, Senator Sessions opposed the Lilly Ledbetter Fair Pay Act of 2009,ⁱⁱⁱ enabling women to file ongoing pay discrimination claims, and has voted multiple times against consideration of the Paycheck Fairness Act.^{iv} Senator Sessions also opposed Title X funding legislation, which supports contraception, breast cancer screening and other health services for low-income women. In addition, Senator Sessions repeatedly voted to defund Planned Parenthood, and in 2014, he voted against S.2578^v to fix the *Hobby Lobby* decision by prohibiting employers from denying coverage of any health care service, such as contraception, required under federal law. Senator Sessions also opposed the reauthorization of the Violence Against Women Act in 2013,^{vi} and when then-candidate Donald Trump was revealed in a 2005 video to have made comments bragging about physically forcing himself on women, Senator Sessions declined to condemn the remarks, even questioning whether the comments described sexual assault.^{vii}

Criminal Justice Reform: Though Senator Sessions was a longtime supporter of eliminating sentencing disparities between crack and powder cocaine offenses, he has since been an ardent supporter of maintaining draconian mandatory minimum sentences. Recently, Senator Sessions helped to block broad-based, bipartisan efforts to reduce sentences for certain nonviolent drug offenses. He also opposed the President's initiative to address disparities and restore fairness to the justice system through the use of his constitutionally granted executive clemency power.^{viii} He criticized the Department of Justice's Smart on Crime Initiative, which has focused on prosecuting fewer but "more serious" drug cases and over the last three years, has contributed to a 20 percent reduction in overcrowding in the federal Bureau of Prisons.^{ix} Finally, Senator Sessions condemned the Department of Justice's use of its powers to investigate law enforcement agencies accused of misconduct and a "pattern or practice" of violating civil rights, calling consent decrees that mandate reform following these investigations "an end run around the democratic process."^x

Failing to Protect our Communities from Pollution and Climate Change: Climate change and environmental degradation disproportionately affect low-income families and communities of color. Senator Sessions has a long record of voting against protections for our clean air, water, and climate. Among his many anti-environmental votes, in 2015 he voted for the resolution to kill the clean power plan^{xi} and for the Barrasso bill^{xii} to deny protections for streams that provide drinking water for 113 million Americans. In 2012, he supported a resolution that would roll back protections from toxic mercury.^{xiii} America needs and deserves an Attorney General who will take into account the health and safety of all communities. Senator Sessions is not qualified in this regard and cannot be counted on to protect our air, water, and climate.

Rights of People with Disabilities: Senator Sessions opposed efforts to implement Alabama's obligation to provide community-based services to individuals with disabilities who were needlessly institutionalized. In addition, he called the Individuals with Disabilities Education Act's requirements to include children with disabilities in mainstream education "the single most irritating problem for teachers throughout America today" and "a big factor in accelerating the decline in civility and discipline in classrooms all over America."^{xiv} This opposition to integration and inclusion is extremely concerning given the active role that the Justice Department plays in enforcing the Americans with Disabilities Act to enable people with disabilities to live independent lives, be full participants in their communities, and to be educated in neighborhood schools and regular classrooms. Senator Sessions also opposed ratification of the Convention on the Rights of Persons with Disabilities.

These aspects of Senator Sessions' record are among those that led The Leadership Conference to believe that he should not be confirmed as our next Attorney General. At the very least, these issues must be fully aired and deliberated before each Senator makes a final decision with respect to his nomination—otherwise, the Senate's constitutional duty to provide "advice and consent" would be reduced to a mere farce.

Given Senator Sessions' record and public statements, the burden should be on him to prove to the Judiciary Committee, the Senate, and the American people – especially to communities of color and



immigrant communities -- that he can be trusted with the tremendous power of the U.S. Justice Department to enforce our nation's civil rights and immigration laws with integrity, fairness, and a sense of justice.

The burden on Senator Sessions is not to prove that he is not a “racist.” For the record, The Leadership Conference has never made such an allegation, as we do not claim to know what has been in his heart when he has taken the actions and made the statements we have described above. Nevertheless, we believe those actions and statements are themselves disqualifying.

This is notwithstanding our recognition that Senator Sessions' record does include some positive actions. For example, the Southern Poverty Law Center, while expressing opposition to his confirmation, acknowledged that he was helpful in the Center's successful effort to sue and bankrupt the Ku Klux Klan following its role in the 1981 lynching death of Michael Donald. The Leadership Conference also worked with Senator Sessions in an effort that culminated in the passage of the Fair Sentencing Act of 2010, which reduced racial disparities in federal cocaine sentencing provisions. While these actions are noteworthy, they do not change our conclusion that Senator Sessions' overall record is too troubling for him to be confirmed as Attorney General.

The collegiality that ordinarily governs Senate decorum is no substitute for, and must not supersede, the Senate's profoundly important duty to vigorously and fairly review each nominee who comes before it. We believe that based on this review, there can be only one conclusion: Senator Sessions is the wrong person to serve as the U.S. Attorney General.

Thank you for your consideration of our views. If you would like to discuss this matter further, please contact Wade Henderson, President and CEO, or Nancy Zirkin, Executive Vice President, at (202) 466-3311.

Sincerely,

The Leadership Conference on Civil and Human Rights
9to5, National Association of Working Women
Advancement Project
Advocates for Youth
AFL-CIO
Alliance for Justice
American Association for Access, Equity and Diversity (AAAED)
American Baptist Women's Ministries
American Federation of State, County and Municipal Employees
American Federation of Teachers
American Humanist Association
American-Arab Anti-Discrimination Committee
Americans for Democratic Action (ADA)
Americans United for Change

Americans United for Separation of Church and State
America's Voice Education Fund
Asian & Pacific Islander American Health Forum
Asian American Legal Defense and Education Fund (AALDEF)
Asian American Psychological Association
Asian Americans Advancing Justice - AAJC
Asian and Pacific Islander American Vote (APIAVote)
Asian Pacific Institute on Gender-Based Violence
Association of Asian Pacific Community Health Organizations
Association of University Centers on Disabilities
Bend The Arc Jewish Action
Black Women's Roundtable
Black Youth Vote!
Bus Federation
Campaign for the Fair Sentencing of Youth
Center for American Progress
Center for APA Women
Center for Community Change Action
Center for Health and Gender Equity (CHANGE)
Center for Human Rights and Global Justice, NYU School of Law
Center for Law and Social Policy (CLASP)
Center for Responsible Lending
Center for Women's Global Leadership, Rutgers University
Center on Reproductive Rights and Justice at UC Berkeley School of Law
Coalition for Disability Health Equity
Coalition of Labor Union Women
Communications Workers of America
Constitutional Accountability Center
Council of Parent Attorneys and Advocates
CREDO
Demand Progress
Demos
Disability Rights Education and Defense Fund
Earthjustice
Equal Justice Society
Equal Rights Advocates
Fair Elections Legal Network
Family Equality Council
Farmworker Justice
Feminist Majority
FIRM (Fair Immigration Reform Movement)
Four Freedoms Forum
Global Justice Clinic, NYU School of Law

GLSEN

Human Rights Campaign

IAWRT_USA (International Association of Women in Radio and TV)

Immigrant Legal Resource Center

In Our Own Voice: National Black Women's Reproductive Justice Agenda

Institute for Science and Human Values

Japanese American Citizens League

Judge David L. Bazelon Center for Mental Health Law

Laotian American National Alliance

Latino Victory Project

LatinoJustice PRLDEF

League of United Latin American Citizens

Legal Voice

MALDEF

MomsRising.org

MoveOn.org

Muslim Advocates

NAACP

NAACP Legal Defense and Educational Fund, Inc.

NARAL Pro-Choice America

National Abortion Federation

National Action Network Washington Bureau

National Advocates for Pregnant Women

National Alliance for Partnerships in Equity (NAPE)

National Alliance to End Sexual Violence

National Asian American Pacific Islander Mental Health Association

National Asian Pacific American Families Against Substance Abuse

National Asian Pacific American Women's Forum

National Association of Human Rights Workers

National Association of Social Workers

National Black Justice Coalition

National CAPACD

National Center for Law and Economic Justice

National Center for Lesbian Rights

National Center for Transgender Equality

National Coalition on Black Civic Participation

National Council of Asian Pacific Americans (NCAPA)

National Council of Asian Pacific Islander Physicians

National Council of Jewish Women

National Council of La Raza (NCLR)

National Council on Independent Living

National Domestic Violence Hotline

National Education Association



National Employment Law Project
National Employment Lawyers Association
National Fair Housing Alliance
National Federation of Filipino American Associations
National Hispanic Media Coalition (NHMC)
National Korean American Service & Education Consortium (NAKASEC)
National Latina Institute for Reproductive Health
National Law Center on Homelessness & Poverty
National Lawyers Guild
National LGBTQ Task Force Action Fund
National Network for Arab American Communities
National Organization for Women
National Partnership for Women & Families
National Queer Asian Pacific Islander Alliance (NQAPIA)
National Urban League
National Women's Political Caucus
NETWORK Lobby for Catholic Social Justice
OCA - Asian Pacific American Advocates
People For the American Way
Planned Parenthood Federation of America
PolicyLink
Positive Women's Network - USA
Prison Policy Initiative
Project Vote
Public Advocates Inc.
Public Citizen
Raising Women's Voices for the Health Care We Need
SEIU
Sierra Club
Sikh American Legal Defense and Education Fund
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
The Campaign Legal Center
The National Council on Independent Living
The Trevor Project
The Voting Rights Institute
Transformative Justice Coalition
United Church of Christ, Justice and Witness Ministries
United Food & Commercial Workers International Union
Voices for Progress
Voting Rights Forward
Women Employed
Women Enabled International

Women's Intercultural Network (WIN)
World Without Genocide
YWCA USA

ⁱ Lena Williams, "Senate Panel Hands Reagan First Defeat on Nominee for Judgeship," *New York Times*, June 6, 1986, at <http://www.nytimes.com/1986/06/06/us/senate-panel-hands-reagan-first-defeat-on-nominee-for-judgeship.html>
<https://www.washingtonpost.com/news/the-fix/wp/2015/06/23/the-gops-stunningly-rapid-political-shift-on-the-confederate-flag/>.

ⁱⁱⁱ U.S. Senate Roll Call Votes 111th Congress - 1st Session at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=111&session=1&vote=00014

^{iv} U.S. Senate Roll Call Votes 113th Congress - 2nd Session at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=113&session=2&vote=00262

^v U.S. Senate Roll Call Votes 113th Congress - 2nd Session at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=113&session=2&vote=00228

^{vi} U.S. Senate Roll Call Votes 113th Congress- 1st Session at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=113&session=1&vote=00019

^{vii} Sean Sullivan, "Trump supporter Sen. Jeff Sessions reportedly said behavior Trump described in 2005 video is not sexual assault," *The Washington Post*, Oct. 10, 2016 at <https://www.washingtonpost.com/news/post-politics/wp/2016/10/10/trump-supporter-sen-jeff-sessions-reportedly-said-behavior-trump-described-in-2005-video-is-not-sexual-assault/>

^{viii} "President Obama's Unprecedented Commutations of Violent Drug, Gun Felons will inflict long-term harm on the Nation." *Press Statement of Senator Jeff Sessions*, Aug. 5, 2016 at <http://www.sessions.senate.gov/public/index.cfm/news-releases?ID=98A3011F-B35C-4223-92F4-857A5EC3E47F>

^{ix} "Federal Inmate Population Declines." *Federal Bureau of Prisons*, Oct. 4, 2016, at https://www.bop.gov/resources/news/20161004_pop_decline.jsp.

^x Eli Hager, Alysia Santo and Simone Weichselbaum, "8 Ways Jeff Sessions Could Change Criminal Justice," *The Marshall Project*, Nov. 18, 2016, at <https://www.themarshallproject.org/2016/11/18/8-ways-jeff-sessions-could-change-criminal-justice?ref=hp-1-122#.j2J1xp2IN>

^{xi} U.S. Senate Roll Call Votes 114th Congress – 1st Session at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=114&session=1&vote=00306

^{xii} U.S. Senate Roll Call Votes 114th Congress – 1st Session at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=114&session=1&vote=00295

^{xiii} U.S. Senate Roll Call Votes 112th Congress – 1st Session at http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=112&session=2&vote=00139

^{xiv} Floor Statement, Education Discipline and IDEA (May 18, 2000), available at <http://www.sessions.senate.gov/public/index.cfm/2000/5/education-discipline-and-idea>.