

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

JEFFERSON BEAUREGARD SESSIONS, III

2. **Position:** State the position for which you have been nominated.

Attorney General of the United States

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Senate
326 Russell Senate Office Building
Washington, D.C. 20510-0104

Currently a permanent resident of Mobile, Alabama, with a residence also in Washington, D.C.

4. **Birthplace:** State date and place of birth.

December 24, 1946
Selma, Alabama

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

University of Alabama Law School, obtained JD, 6/1973
Huntingdon College, obtained BA in history, 6/1969

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

1969-1970

Goode Street Elementary School,
Montgomery, AL
School no longer exists
Teacher
Paid

1973-1975

Guin, Bouldin & Porch
Attorneys at Law
Russellville, AL
Firm no longer exists
Attorney
Paid

1975-1977

Assistant United States Attorney for Southern District of AL
Federal Courthouse
Mobile, AL 36601
Assistant United States Attorney
Paid

1977-1981

Stockman & Bedsole
PO Box 8367
Mobile, AL 36608
Associate; Partner
Paid

1981-1993

US Attorney for Southern District of Alabama
Federal Courthouse
Mobile, AL 36601
United States Attorney
Paid

1993-1995
Stockman & Bedsole
PO Box 8367
Mobile, AL 36608
Partner
Paid

1995-1997
Attorney General of Alabama
PO Box 300152
Montgomery, AL 36130
Attorney General
Paid

1997-Present
United States Senator
326 Russell Senate Building
Washington, DC 20510
Senator
Paid

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I joined Army ROTC at the University of Alabama in 1970 during law school. I then completed Basic Training at Ft. Knox, KY in 1971. This was in lieu of first two years of ROTC. (Huntingdon College did not offer ROTC.) I completed Advanced ROTC in the summer of 1972 at Ft. Bragg, NC. I completed Quartermaster School at Ft. Lee, VA in 1974 and moved to Control Group until joining US Army Reserve in Mobile in 1975. I was commissioned a second lieutenant in 1973 upon graduation at the University of Alabama. After moving to Mobile, I served in the 1184th Transportation Terminal Unit, US Army Reserve in Mobile, Alabama, 1975-1985, as a transportation officer and held a JAG slot for several years. While in that unit in Mobile, I was promoted to first lieutenant, then Captain in 1981, which was my rank on discharge. I received an honorable discharge.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Alabama Academy of Honor – 2014
Reserve Officers Association Minuteman of the Year – 2000
Distinguished Eagle Scout Award – 2008
National Narcotics Officers Coalition – Outstanding Member of the United State Senate for 2014-2015
Eagle Forum’s Inaugural Phyllis Schlafly Award for Excellence in Leadership – 2015
Navy’s Distinguished Public Service Award presented by Secretary Ray Mabus – 2013
Mobile Area Jewish Federation, Yedid L’Yisrael Award – 2015
Association of the United States Army Outstanding Legislator Award – 2009
Woodrow Wilson Institute Award – 2009
Volunteers of America National Award – 2007
National Minority Quality Forum, Health Promotion & Disease Prevention Award for work to modernize Ryan White Law – 2007
Business Council of Alabama’s Chairman’s Award – 2013
Mobile Bay Area Veteran’s Day Patriot of the Year – 2006
University of South Alabama Commencement, Honorary Doctorate – 2011
University of Alabama Huntsville Commencement, Honorary Doctorate – 2016
University of Mobile Commencement, Honorary Degree – 2013
Thomas Goode Jones School of Law at Faulkner University, Honorary Doctor of Laws Degree – 2015

Other awards:

Campaign to Fix the Debt Award, 2016 Fiscal Hero – 2016
Citizens Against Government Waste, 2014 Taxpayer Super Hero Award – 2015
Coalition for a Prosperous America, From America’s Manufacturers, Farmers, Ranchers and Workers in support of America’s Economic Growth, Balanced Trade and Sovereignty – 2015
Paul Weyrich Legislator of the Year – 2015
National Association of Manufacturers Award, 113th Congress, NAM Manufacturing Legislative Excellence Award – 2015
Center for Security Policy, “Keeper of the Flame” Award – 2015
National Religious Broadcasters Faith and Freedom Award – 2010
National Federation of Independent Business Guardian Award for 113th Congress – 2014
American Conservative Union Award for Conservative Excellence – 2014-2015
CEI “Champion of the Worker Award” – 2014
Tea Party.Net Paul Revere Patriot Award – 2014
HVAC Industry’s Public Policy Award presented by Rheem and CEO of AHRI – 2014
Annie Taylor Award, Restoration Weekend – 2014
Reserve Officers Association Department of Alabama Minuteman Award – 2011
Soldiers Angels, Award for Supporting our Military Personnel – 2011
NAM 2010 Manufacturing Legislative Excellence Award – 2011
American Ambulance Association Legislative Recognition Award – 2010

Republican National Lawyers Association Award – 2010
 National Taxpayers Union, Taxpayers' Friend Award – 2010, 2006, 2000
 Humane Society, Legislative Leader Award – 2010
 Alabama Law Foundation Fellow – 2010
 US Chamber of Commerce 2009 Federal Legislative Achievement – 2009
 Mobile Boy Scouts Golden Eagle Award – 2009
 SECNAV Award presented by Admiral Miller – 2009
 Numbers USA Award – 2008
 National 911 40th anniversary of the first call from Haleyville – 2008
 American Legion, Department of AL, Award for Immigration Stance – 2008
 National Minority Health Month Foundation, 2007 Health Promotions Award – 2007
 NAM Legislative Excellence Award – 2007
 Associated Builders and Contractors "Champion of the Merit Shop Award" (110th-113th Congress) – 2007
 Americans for Tax Reform, Hero of the Taxpayer Award – 2006, 2000
 NFIB Guardian of Small Business Award – 2006, 2004, 2002, 2000
 Club for Growth Defender of Economic Freedom Award – 2006
 US Chamber of Commerce Spirit of Enterprise Award – 2005, 2003, 2002, 2000
 Forest Landowners Association Award – 2005
 Thomas Jefferson Award, Food Marketing Institute/International Foodservice Distributors Association – 2004
 Bill of Rights Institute Award – 2004
 American Conservative Union, Best and Brightest Award – 2004
 Birmingham Chamber of Commerce Award – 2005
 National Roofing Contractors Association – 2003
 Southern Economic Development Council Honor Roll Award – 2003
 Electric Cities of Alabama Distinguished Service Award – 2002
 Alabama Rural Electric Imminent Service Award – 2002
 National Association of Mutual Insurance Companies' Benjamin Franklin Public Policy Award – 2002
 U.S. Senate Deputy Whip – 2001-2002
 American Foundry Society, Support for Metalcasting Award – 2001
 NAM Legislative Excellence Award, Presented by Elmer Harris – 2001
 Coalition of Alabama Waterways, Outstanding Support and Guardianship of our Waterways – 2001
 Local 1945 AFGE, Eagle award for dedication to their Depot – 2000
 Watchdog of the Treasury Award – 2000
 Blinded American Vets "Buck Gillespie Congressional Award" – 2000
 Regional Information Sharing Systems Appreciation Award – 2000
 60-Plus Association Award – 2000
 Peanut Producers Association and March of Dimes Award – 2000
 Alabama Farmers Federation Service to Agriculture Award – 1999
 106th Congress Golden Gavel Award, Presiding over the Senate for 100 hours
 105th Congress Golden Gavel Award, Presiding over the Senate for 100 hours
 105th Congress Citizens for a Sound Economy, The Jefferson Award
 105th Congress Watchdog of the Treasury

United States Space Academy, Space Wings – 1998

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Mobile County Bar Association (former member of Publicity, Criminal Law, and Federal Courts Committees, Pro Bono Program)

Alabama Bar Association (former member of Special Committee on Meeting Criticism of Bench and Courts)

American Bar Association (Criminal Justice Section)

Alabama Law Foundation Honorary Fellow (inducted 2010)

Governor's Criminal Justice Advisory Commission, Chairman, 1995-96

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Alabama Bar: 1973-present (placed on inactive for late payment of dues
1/8/99-1/11/99 and 1/5/05-1/19/05)

Supreme Court of the United States (1980)

Supreme Court of Alabama (1973)

U.S. Court of Appeals for the 11th Circuit (1981)

U.S. Court of Appeals for the 5th Circuit (1977)

U.S. District Court, Northern District of Alabama (1974)

U.S. District Court, Southern District of Alabama (1977)

Circuit Court, Franklin County, Alabama (1975)

Circuit Court, Mobile County, Alabama (1977)

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

All Alabama Courts per Alabama Bar: 1973-present (placed on inactive
for late payment of dues 1/8/99-1/11/99 and 1/5/05-1/19/05)

Supreme Court of the United States (1980)

U.S. Court of Appeals for the 11th Circuit (1981)

U.S. Court of Appeals for the 5th Circuit (1977)

U.S. District Court, Northern District of Alabama (1974)
U.S. District Court, Southern District of Alabama (1977)

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Mobile Lions Club, joined in late 1970s and active until the early 1990s, currently inactive

Mobile United Methodist Inner City Mission, active in 1980s and early 1990s,
And served as Vice Chairman of Board in 1994

Mobile Metro Ministry, Member 1980s

Coalition for a Drug Free Mobile County, Board Member, 1980s and early 1990s

Huntingdon College Alumni Association, active in 1980s, served as Chairman of Alumni Association

Alabama Law Foundation Honorary Fellow (inducted 2010)

Alabama Academy of Honor (inducted 2014)

Reagan Alumni Association, 1998 to present

Ashland Place United Methodist Church, 1975 to present

Chairman Administrative Board

Church Lay Leader

Delegate to United Methodist Annual Conference

Delegate to the Southeastern Jurisdictional Conference of the United Methodist Church

Delegate to the General Conference of the United Methodist Church

Huntingdon College Board of Trustees, 1998-2012

Samford University Board of Overseers, 2006 to present

College Republicans, Alabama State President, 1971-73

Alabama Young Republican Federation, Alabama State Chairman, 1973-75

Mobile County Republican Executive Committee, 1978-81

Federalist Society, 1985 to present (with some gaps)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminate on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

While the Mobile Lions Club had no policy to exclude members based on race, it did not have any African-American members when I joined. I sponsored the

first African-American member who joined in the 1980s.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all published material I have contributed to, including through a review of my personal files and searches of publicly available electronic databases. Despite my efforts, there may be other materials that I have been unable to identify, locate, or remember. I have attached a list of the responsive items, including news releases, a foreword, academic articles, and opinion pieces, as Appendix 12(a), and have also included copies of each item.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have done my best to identify and locate all materials responsive to this question, including through a review of my personal files and searches of publicly available electronic databases. Despite my efforts, there may be other materials that I have been unable to identify, locate, or remember. I have attached all responsive materials that I was able to identify.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have done my best to identify and locate all materials responsive to this question, including through a review of my personal files and searches of publicly available electronic databases. Despite my efforts, there may be other materials that I have been unable to identify, locate, or remember. I have attached copies of all responsive documents that I was able to identify, including testimony before committees of Congress, legal opinions issued by my office when I was the Attorney General of the State of Alabama, and memoranda and letters I have written to colleagues in Congress and to other public officials and bodies.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have done my best to identify and locate all materials responsive to this question, including through a review of my personal files, searches of publicly available electronic databases, and consultation with the Senate Library, the Congressional Research Service, and relevant committee libraries and historical offices. Despite my efforts, there may be other materials that I have been unable to identify, locate, or remember. I have located responsive materials in the following categories:

- Remarks on the Senate Floor
- Remarks and questions during Senate committee hearings
- Remarks and questions during Senate committee business meetings or markups
- Speeches and remarks outside of the Senate
- Various political speeches

In addition to supplying copies or recordings of my remarks where they are available, I have also provided in Appendix 12(d) a list of speeches and remarks I have delivered but where, to my knowledge, no transcripts or copies exist. For these, I have included summaries of the subject matter for speeches where I was able to locate such information during my search, and have attached outlines or notes where they exist, as well as contemporaneous press reports that I was able to locate.

Finally, during my service as a United States Senator, I have regularly attended markups and executive business meetings for Senate committees of which I am a member, and I frequently make remarks during those meetings. I have attached responsive transcripts from such meetings where they are available. However, for three committees of which I am or have been a member (the Judiciary Committee, the Armed Services Committee, and the Energy and Natural Resources Committee), committee policies or government classification requirements govern access to and the release of these transcripts, and I am therefore unable to provide copies. Of course, the Judiciary Committee has access to its own transcripts via the Committee Library. However, in an effort to be as responsive as possible, I have consulted my own files and the files of the relevant committee libraries, and have provided in Appendix 12(d) a list of the dates of pertinent markups and/or executive business meetings for each of those three committees.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews I have given, including through a review of my personal files and searches of publicly available electronic databases. However, throughout my career in public service I have frequently made remarks to reporters in informal settings, including many hundreds, if not thousands, of comments to reporters in the halls of Congress. No records exist for the vast majority of these informal interviews. Therefore, despite my efforts, there may be other materials that I have been unable to identify, locate, or remember. I have attached a list of the responsive items as Appendix 12(e), and have also included copies of transcripts or videos of interviews where they were available.

13. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Assistant United States Attorney, Southern District of Alabama, 1975-1977.

United States Attorney, Southern District of Alabama, 1981-1993. Appointed by President Ronald Reagan.

Attorney General of Alabama, Elected 1994. Served until January 1997.

United States Senator. Elected in 1996, took office in January 1997. Re-elected in 2002, 2008 and 2014.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have been active in the Republican Party since college. I have generally endorsed Alabama Republicans running for the House of Representatives and Senate in the general elections. I have endorsed many Republicans running for

election and re-election to the United States Senate, House and other offices. I was Alabama Chairman for Richard Nixon in 1972; I was college chairman for Perry Hooper, Sr. for US Senate (AL) in 1968.

I served as Alabama Presidential Elector for Richard Nixon in 1972 and Donald Trump in 2016. I had my own campaigns – Jeff Sessions for Attorney General and Friends of Sessions Senate Committee – for my Attorney General and US Senate Campaigns.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. Whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to any judge.

ii. Whether you practiced alone, and if so, the addresses and dates;

I never practiced law alone.

iii. The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1973-1975
Guin, Bouldin & Porch
Attorneys at Law
Russellville, AL
Attorney
Firm no longer exists.

1975-1977
Office of the United States Attorney
Southern District of Alabama
Federal Courthouse
63 South Royal Street
Mobile, AL 36602
Assistant United States Attorney

1977-1981 and 1993-1995
Stockman & Bedsole
PO Box 8367

Mobile, AL 36608
Associate; Partner
1981-1993
Office of the United States Attorney
Southern District of Alabama
Federal Courthouse
63 South Royal Street
Mobile, AL 36602
United States Attorney

1995-1997
State of Alabama
PO Box 300152
Montgomery, AL 36130
Attorney General

1996-Present
United States Senate
Washington, DC 20510
United States Senator

- iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as mediator or arbitrator.

b. Describe:

- i. The general character of your law practice and indicate by date when its character has changed over the years.

At Guin, Bouldin & Porch (1973-1975) my practice involved a variety of areas including probate, domestic relations, insurance defense, criminal defense, real estate matters, wills and civil litigation.

As an Assistant United States Attorney (1975-1977), I handled a variety of matters at the trial level, including cases involving wrongful death, fraud, federal habeas corpus, gun violations, forgeries, embezzlement, bank robberies, drugs, and the collection of criminal penalties for pollution. I also handled appeals.

As an Associate and then Partner at Stockman & Bedsole (1977-1981 and 1993-1995), I handled primarily civil litigation and some criminal defense

work and real estate matters.

As United States Attorney (1981-1993), I represented federal agencies in legal controversies, prosecuted criminal cases, collected debts owed to the government, and defended civil rights. Our office was also engaged in a series of high profile public corruption cases. I provided leadership for various law enforcement and community activities.

As Attorney General of Alabama (1995-1997), I represented the state in civil and criminal cases.

- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

At Guin, Bouldin & Porch, I had a wide variety of clients including individuals and corporations such as banks and insurance companies.

As both Assistant United States Attorney and United States Attorney, my sole client was the United States.

At Stockman & Bedsole, I had a wide variety of clients including government officials and individuals, including representing clients in wrongful death matters, asbestosis cases, criminal cases, real estate matters, and clients who were flood victims.

As Attorney General of Alabama, my sole client was the State of Alabama.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
- i. Indicate the percentage of your practice in:
- | | |
|-----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 15% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |
- ii. Indicate the percentage of your practice in:
- | | |
|--------------------------|-----|
| 1. civil proceedings: | 35% |
| 2. criminal proceedings: | 65% |
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather

than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

- i. What percentage of these trials were:
 1. jury: 80%
 2. non-jury: 20%

1975-1977 (AUSA) 12 – all sole counsel
1977-1981 (Private Practice) – 3 sole counsel
1981-1993 (USA) – 17 cases, most sole counsel and almost all as lead counsel

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

As a United States Senator, I have joined colleagues in filing seven amicus briefs before the United States Supreme Court on various issues. Those briefs are attached. Further, during my service as the Attorney General of the State of Alabama, one of my responsibilities was to oversee Alabama's legal representation and litigation, including matters before the Supreme Court. In December 1996, my office filed an amicus brief before the Court on behalf of the State of Alabama. That brief is also attached. Finally, I have been able to locate 14 other instances during my tenure as Attorney General of the State of Alabama wherein Alabama joined other states in filing amicus briefs with the Court. While my practice as Attorney General was primarily managerial and supervisory in nature, my name also appears on those briefs as counsel of record for Alabama. Those briefs are also attached. I have done my best to identify all materials responsive to this question, including through a review of my own files and searches of publicly available electronic databases. Despite my searches, there may be other relevant materials from my career that I have been unable to identify, locate, or recall.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. William Broadus, Circuit Judge Elwood L. Hogan, District Judge James D. Sullivan, Willis H. Holloway, James Dodson Fail, Durwood L. Elliott, and Thomas Withers, et al, CR 83-79 (S.D. Ala.)*

The indictment charged that the defendants participated in a corrupt organization to “fix” criminal court cases in the District Court and the Circuit Court of Mobile County. Because Broadus was severed for medical reasons, the case involved two full jury trials. The first case lasted seven weeks, with the *Broadus* case lasting approximately two weeks.

The case, I believe, is the most significant corruption case involving the criminal justice system in the Southern District of Alabama and perhaps in the State of Alabama. The government proved the payment of some 15 bribes to influence criminal cases. Each fact situation was vigorously contested by capable defense attorneys.

The case was brought under the federal Racketeer Influenced and Corrupt Organizations Act (RICO). Every defendant was charged with a RICO violation and conspiracy to commit RICO. Some defendants were charged with wire fraud, mail fraud, extortion and interstate travel in aid of racketeering. The jury returned a guilty verdict against each defendant on each count in which they were named. The *Broadus* jury likewise returned guilty verdicts on all counts. James Dodson Fail entered a plea of guilty before trial and testified for the government, all others were convicted by a jury.

My participation in the case was as lead trial counsel. I fully handled the Grand Jury presentation and the trial preparation; however, as trial neared, I called upon Assistant U.S. Attorney Thomas Figures to assist me. He ably assisted in the presentation of certain important parts of the case. I made the opening statement and closing arguments. The case presented a host of legal and evidentiary questions. Experienced defense counsel were very aggressive on behalf of their clients.

Judges: Hon. Emmett R. Cox
 United States District Judge
 Southern District of Alabama

 Hon. W.B. Hand (deceased)
 United States District Judge
 Southern District of Alabama

Co-Counsel: Thomas Figures (deceased)
 Assistant United States Attorney
 Southern District of Alabama

Defense Counsel: E.E. Ball (deceased) (Hogan)

Barry Hess (deceased) (Sullivan)
Ralph Kannamer (deceased) (Broadus)

2. *United States v. Conecuh County*, CV 83-1201-H (S.D. Ala. June 12, 1984)

It is my understanding that *United States v. Conecuh County* was the first voter suppression lawsuit ever instituted by the United States Department of Justice. I am honored to have been a part of it. In 1983, the United States brought this suit based on allegations that only white poll workers were hired, racial epithets were heard at polling places, comments were heard that turned away African-American voters, allegations that white voters cast ballots when their names were not on the voter roll, allegations of limitations on the number of African-American voters who had access to a polling place, allegations of limitations on the amount of time African-American voters were permitted to spend in the voting booth, and illegal assistance to voters. In June 1984, a consent decree was entered between the United States and the County. The consent decree ensured that election officials would not engage in racially discriminatory conduct designed to harass or intimidate voters, or discrimination in the selection of election officials at polling places. Political parties recruiting poll workers were required to encourage nomination of African-American poll workers. African-American citizens who would have volunteered in the past to serve as poll workers must be considered on a good-faith basis for future service. The election board was required to train election officials to perform their duties in a racially nondiscriminatory manner, and to monitor elections for compliance. The board was also required to file reports with the Department of Justice describing its compliance. The consent decree was agreed to be enforced through 1990, subject to an extension for good cause.

Judge: Hon. W. B. Hand (deceased)
United States District Judge
Southern District of Alabama

Co-Counsel: Voting Section, Civil Rights Division, United States Department of
Justice:

Gerald W. Jones (unable to locate current address)
Steven H. Rosenbaum
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Special Litigation Section
Washington, D.C. 20530
202-514-4713

John K. Tanner
P.O. Box 380832
Birmingham, AL 35238-0832
205-403-9905

Defense Counsel: Robert G. Kendall (deceased) (Conecuh County, Alabama, Conecuh County and Conecuh County Democratic Executive Committee)

J.B. Nix, Jr.
Nix & Nix
P.O. Box 167
Evergreen, AL 36401
251-578-1544

Edward S. Allen (Conecuh County Republican Executive Committee)
Balch & Bingham LLP
P.O. Box 306
Birmingham, AL 35201
205-226-3413

3. *United States v. Weldon Rushing Payne, Lloyd Earl Taylor, and Robert I. Gulledge, CR 82-87 (S.D. Ala.)*

I prepared and tried this case as sole counsel, and the case was ably defended by defense counsel. Essentially, the charges alleged fraud in the operation of the Federal Land Bank Association of Robertsdale by Weldon Payne, its President, Lloyd E. Taylor, its attorney, and Robert I. Gulledge, a borrower and Alabama State Senator. To prove the case required proving some 15 large real estate transactions and loan closings. The loan documents and financial records were voluminous. The scheme involved Payne identifying certain farmers or farm connected individuals who he knew to be desirous of obtaining farm land. Generally, they were poor credit risks. Taylor would obtain an option to purchase land from a land seller in the area and Payne would promise the farmer an FLBA loan and refinancing if there was a problem with making payments. Gulledge, it was alleged, was involved as a partner with Payne in two transactions. Both of these transactions involved an unrecorded document that indicated that Payne in one case and Taylor in another were secret partners with Gulledge in the land transactions which were financed with FLBA loans. Gulledge, by this procedure, obtained 100% financing and was charged with making a false financial statement and conspiracy with the two others to defraud the FLBA. The loans totaled over two million dollars and several of the borrowers were bankrupt or insolvent. There was a hung jury as to Gulledge and the charges against him were dismissed.

In an effort to shorten the trial (which lasted five weeks) I made a decision not to utilize land appraisals to support the counts charging that Payne and Taylor misapplied FLBA funds. I believed that sufficient evidence had already been introduced to support a finding of misapplication. The jury and trial court agreed, but the Eleventh Circuit did not, reversing the misapplication counts, but affirming the convictions on all other counts.

The FLBA was the largest lender for farm real estate purchases in the South Alabama area. This prosecution ended fraud in its operation. Legally, it firmly established that an attorney for an FBLA is a "person associated in any capacity with" the Association such that he is subject to criminal charges under 18 U.S.C. § 657. The prosecution attracted national FLBA attention.

Because the prosecution was hampered at key points by poor record keeping by the FLBA, new rules have been instituted. I later addressed the Federal Land Bank of New Orleans regional meeting in Jackson, Mississippi, as part of their stepped up program to prevent fraud and abuse.

Judge: Hon. Emmett R. Cox
United States District Judge
Southern District of Alabama

Defense Counsel: Fred G. Helmsing (deceased) (Payne)
Barry Hess (deceased) (Taylor)
Thomas M. Haas (deceased) (Gulledge)

4. *Davis v. Board of School Commissioners of Mobile County, CV 3003-63-H (S.D. Ala.)*

After nearly a decade of litigation, a group of students, their parents, and the Board of School Commissioners of Mobile County entered into a consent decree that integrated many schools in the county but also left untouched several single-race schools. More than a decade after the district court approved the consent decree, on behalf of the United States and with the support of the NAACP Legal Defense Fund, papers were filed with the court contesting the legally binding effect of the consent decree and alleging that the school district had yet to fully integrate. While the district court rejected the government's contention regarding the consent decree, it agreed that the school district was not yet fully integrated, and it ordered the school district to take certain corrective steps in order to achieve full integration. *See Davis v. Board of Sch. Comm'rs of Mobile Cnty.*, 1986 U.S. Dist. LEXIS 27519, at *2-3 (S.D. Ala., Mar. 27, 1986).

Judge: Hon. W. B. Hand (deceased)
United States District Judge
Southern District of Alabama

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5. *United States v. Dan G. Alexander, Hiram Bosarge, and Norman Grider*, CR 86–76 (S.D. Ala.)

An eleven-count indictment was returned against Mobile County School Board members Alexander and Grider charging them with extortion, racketeering, and mail fraud, and charging School Board member Bosarge with one count of conspiracy to commit extortion. The indictment charged that Alexander had, on three separate occasions, used his position on the Mobile County School Board to advocate for and award contracts to businesses that agreed to pay him kickbacks, and that Grider, on two separate occasions, had similarly agreed to use his official connections to advocate that the school board award contracts to businesses that agreed to pay him a percentage of the contract. Both were convicted by a jury on all counts. Bosarge was acquitted. I personally tried this case in a multi-week jury trial.

Judge: Hon. Emmett R. Cox
United States District Judge
Southern District of Alabama

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6. *United States v. Gary A. Greenough*, CR. No. 84-97 (S.D. Ala.)

A grand jury returned an indictment against Gary Greenough, one of three Board of Commissioners that governed the City of Mobile, charging that he conspired to commit offenses to defraud the United States, that he engaged in mail fraud, that he engaged in wire fraud, and that he interfered with commerce by threats or violence, all in connection with efforts to divert money from the operation of the city auditorium to himself and his associates. After a multi-week trial, Greenough was convicted of 14 counts.

Judge: Hon. W. B. Hand (deceased)
United States District Judge
Southern District of Alabama

Co-Counsel: William R. Favre, Jr. (deceased)
Assistant United States Attorney
Southern District of Alabama

Defense Counsel: E.E. Ball (deceased)

7. *United States v. Albert Turner, Spencer Hogue, Jr., and Evelyn Turner*, CR 85-14 (S.D. Ala.)

About the time of the 1982 elections in Perry County, my office received information from the Perry County District Attorney that voter fraud was occurring in Perry County to a large degree. District Attorney Roy Johnson communicated with me, the FBI, and my staff on the matter. I believe he also communicated with the Civil Rights Division of the United States Department of Justice. He requested that the federal government conduct an investigation and he requested, I have come to understand, that the Civil Rights Division send in federal observers and federal Marshals, because the situation was far beyond his control. The Civil Rights Division declined to send in observers.

After the election, District Attorney Johnson conducted an investigation of the voting practices and actually sought an indictment against Albert Turner, but the grand jury declined to return an indictment against Turner for voter fraud. After that investigation, the grand jury, in a report

dated April 1983, requested that my office commence a federal investigation. We had been informed that a handwriting expert determined that Turner, who was a write-in candidate in that election, had written his name on absentee ballots in violation of state law and that African-American voters who had come to the polls to vote became angered to find that someone had already voted in their names by absentee ballot.

The Perry County grand jury, the majority of which was African-American and was led by an African-American foreperson, called for a federal investigation. The grand jury had, in a written report of their investigation of the 1982 election, stated that they had "extensively and exhaustively investigated the voting situation in Perry County." The report further stated that they were convinced that a fair election "is being denied the citizens of Perry County, both black and white." The grand jury report also stated: "We encourage vigorous prosecution of all violations of voting laws and especially would request the presence and assistance of an outside agency, preferably federal, to monitor our elections and ensure fairness and impartiality for all."

Despite this request of the grand jury and the District Attorney, my office, after discussion with the FBI, concluded that we would not conduct another investigation. We expected that the local investigation would have caused all campaigners to re-evaluate their activities and conform to the law. Accordingly, sometime after having preliminarily reviewed the situation, we informed District Attorney Johnson that we would not investigate the 1982 elections. I believe we told District Attorney Johnson that if he had further evidence of voter fraud in subsequent elections, we would reevaluate the situation to determine whether a federal investigation was justified.

In the 1984 Democratic primary election, there were a number of hotly contested local races for County Commission, Tax Assessor and other offices. (All of the serious contenders for local races for each office, except one, were African-American). On approximately Wednesday or Thursday prior to the Tuesday election, District Attorney Johnson called my office and said that he and an African-American candidate (the incumbent County Commissioner in Perry County) were convinced that fraud was occurring in the election. He stated that extremely large numbers of absentee ballots were being collected, in excess of ten percent of the total vote, and that these ballots were being maintained by Turner and others. He further said that they were being taken to a central headquarters where the ballots were altered to ensure that they were marked for candidates endorsed by Turner. District Attorney Johnson said that the African-American candidates were extremely concerned about the election and believed it was being stolen from them. He requested that my office consider obtaining a search warrant to search the central headquarters and seize these ballots. I told him that I doubted that there was enough evidence to conduct a search warrant and, further, that this would be an interference in the election process, which was against Department policy.

District Attorney Johnson went on to state that the African-American candidates had information that Turner and his colleagues in previous years had been mailing the ballots they had collected at the Marion Post Office the night before the election. I told him that I found it difficult to believe since it appeared to me to be risky to trust the mails under those circumstances. He assured me that they were confident that this information was reliable. Accordingly, I contacted a Special Agent of the FBI in Selma and requested that he observe the Marion Post Office that night. I further requested that the Postal Service conduct a mail cover and make a list of the

absentee ballots as they were deposited; that is, to list the names and return addresses on the outside of the mailing envelopes. The Postal Service was specifically instructed not to open any ballots but to deliver them to the federal courthouse the next day as they normally would for counting. The FBI observed defendants Albert and Evelyn Turner deposit over 300 ballots in the Post Office the night before the election and observed defendant Spencer Hogue, Jr., deposit (to my recollection) 170 ballots the same night. Those two mailings totaled 504 ballots out of 729 absentee ballots.

Sometime before the election was complete, it was suggested to me that some five candidates planned to file a contest of the election and seek to have the absentee ballots and affidavit envelopes numbered. I was told that this had been done in previous elections. I informed District Attorney Johnson that if it could be done under state law, it would be helpful to any investigation that might take place.

After the ballots were opened and counted, District Attorney Johnson issued a subpoena for them and my office issued a subpoena for the records, which were subsequently turned over to the FBI. The FBI determined that 75 of the 729 ballots contained alterations and erasures. Each voter, with suspected changes on their ballot, was shown their ballot and asked if they had made or authorized the changes. Approximately 25 individuals said they had not authorized changes and that they had given their ballots to the Turners or Hogue for mailing.

Turner, his wife, and Hogue were charged by the grand jury with 29 criminal counts, including conspiracy to execute a scheme to defraud, fraud by mail, and violation of election laws. At trial, Turner admitted he collected these ballots, but said it was a legal practice. He said he talked with voters and they would often agree to change ballots for him. He further testified that six members of the Shelton family had met in one house and all agreed to make ballot changes. However, all six members of the Shelton family flatly denied this allegation. Allegations that witnesses were intimidated and suffered ill effects of travel rendering them unable to testify were refuted by key witnesses, including African-American county officials who were present. Ultimately, the jury acquitted the three defendants.

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United States District Judge
Southern District of Alabama

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8. *United States v. Dallas County Commission, CV 78-578-H (S.D. Ala.)*

Historically, members of the Dallas County Commission and the Dallas County Board of Education were elected on an at-large basis. Under this regime, no African-American candidates had been elected to county offices since 1966. In 1978, the Voting Rights Section of the Civil Rights Division of the United States Department of Justice initiated an action against Dallas County under Section 2 of the Voting Rights Act, alleging minority vote dilution. Along with the ACLU, my office continued to support the extensive litigation and appeals, culminating in a set of decisions from the Eleventh Circuit, 850 F.2d 1430 (11th Cir. 1988) and 850 F.2d 1433 (11th Cir. 1988), which ruled for the United States and created five single-member districts for both the Commission and the Board. Three of these single-member districts contained a majority African-American voter population, increasing opportunities for African-American voters to elect office-holders of their choice.

District Judge: Hon. W. B. Hand (deceased)
United States District Judge
Southern District of Alabama

Circuit Judges: Hon. James C. Hill, Hon. Joseph W. Hatchett, and Hon. Floyd R. Gibson
(Senior Circuit Judge from the Eighth Circuit, sitting by designation)
(deceased), Eleventh Circuit

Co-Counsel: Civil Rights Division, United States Department of Justice:

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9. *United States v. Marengo County Commission, CV 78-474-H (S.D. Ala.)*

After the district court found that the at-large system for electing members of the Marengo County Commission and Marengo County Board of Education diluted the voting rights of African-Americans in violation of Section 2 of the Voting Rights Act, my office worked with the Civil Rights Division and private plaintiffs to craft a districting plan to ensure that African-Americans had equal opportunity to elect candidates of their choice. Although, at the time of the lawsuit, no African-American had ever been elected to either the board of education or the county commission, *see United States v. Marengo Cnty. Comm'n*, 731 F.2d 1546, 1572 (11th Cir. 1984), this action secured a districting plan where three of the five members for each body were elected from districts comprised of a majority of African-American voters, *see United States v. Marengo Cnty. Comm'n*, 643 F. Supp. 232, 233–34 (S.D. Ala. 1986). On appeal, the Eleventh Circuit upheld the districting plan. *Clark v. Marengo Cnty.*, 811 F.2d 610 (11th Cir. 1987) (table). The district court subsequently awarded attorney's fees to the plaintiffs, finding that the United States' involvement "was indispensable to the plaintiffs' success." *United States v. Marengo Cnty. Comm'n*, 667 F.Supp. 786, 799 (S.D. Ala. 1987).

District Judge: Hon. W. B. Hand (deceased)
United States District Judge
Southern District of Alabama

Circuit Judges (1984): Hon. Gerald B. Tjoflat, Hon. Peter T. Fay, and Hon. John M. Wisdom
(Senior Circuit Judge from the Fifth Circuit, sitting by designation)
(deceased), Eleventh Circuit

Co-Counsel (1984): Civil Rights Division, United States Department of Justice:

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Assistant United States Attorney
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Hugh A. Lloyd (deceased) (Marengo County Board of Education)

10. *Henry F. Hays v. State of Alabama, et al.*, 85 F.3d 1492 (11th Cir. 1996), cert. denied, 117 S.Ct. 1262 (1997)

In early 1981, Ku Klux Klan member Henry Hays (the son of the local Klan chieftain) and two other Klansmen discussed a pending trial in Mobile involving an African-American man charged with having killed a Caucasian police officer. The three considered how the public would react to the retaliatory hanging of an African-American man. Hays' father coldly contemplated such an act would hurt the value of his real estate holdings and asked the two younger men to delay their plans until he could sell some of them. Once sold, Hays and his friend took a length of rope, tied it into a hangman's noose, and set about finding an African-American to execute.

As Michael Donald, a 19-year-old African-American teenager, was walking back from a 7-Eleven convenience store near his home, Hays and his accomplice pulled alongside Donald and asked him for directions. While talking, the two men forced Donald into the car at gunpoint and drove him to an empty field. After Donald fought back, the two subdued him, put his neck into the noose, and dragged him while beating him with a tree limb. The two men then slashed Donald's throat and hung him from a tree until his body was found the following day.

When I became U.S. Attorney for the Southern District of Alabama, I, along with Assistant U.S. Attorney Thomas Figures and the Civil Rights Division of the Department of Justice, worked to solve the murder. Because the federal government did not have an enforceable death penalty at the time, I insisted that Hays be prosecuted by the local district attorney, Chris Galanos. Hays was convicted of murder in Alabama state court, and the jury recommended life without parole. The trial judge overrode the jury's recommendation and sentenced Hays to death by electrocution. Hays appealed that decision through the Alabama state court system and into the federal courts.

Later, while I was Attorney General of the State of Alabama, my office defended the verdict and sentence against Hays's *habeas corpus* proceeding in the Eleventh Circuit. The Eleventh Circuit rejected Hays's petition. In part, the Eleventh Circuit held that the trial judge gave due consideration to the jury's recommendation, but that the sentence imposed was permissible because the judge acknowledged consideration of the jury's recommendation and gave explicit

reasons for pronouncing the death sentence over that recommendation. These reasons included the moral depravity of the crime, the shocking nature of the crime, and the jury's inability to explain the life without parole recommendation. As such, the Eleventh Circuit found no due process violation and upheld the sentence. Hays was subsequently executed.

In the midst of Hays' post-conviction proceedings, Michael Donald's family filed a civil lawsuit against the Klan, winning a \$7 million judgment. In 1997, the *New York Times* published an article stating that this lawsuit "bankrupted the KKK" and noting that Hays' execution was "Alabama's first execution for a white-on-black crime since 1913."¹

Judges: Hon. Phyllis A. Kravitch, Hon. J.L. Edmondson, and Hon. Stanley F. Birch, Jr., Eleventh Circuit

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16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have never acted as a lobbyist.

¹ *Klan Member Put to Death In Race Death*, <http://www.nytimes.com/1997/06/06/us/klan-member-put-to-death-in-race-death.html> (June 6, 1997).

As United States Attorney, I led a very successful Weed and Seed initiative that was a major factor in restoring the health of the historic Martin Luther King neighborhood. As United States Attorney, I was an active leader and supporter of anti-illegal drug organizations including: Coalition for a Drug Free Mobile; Drug Policy Counsel. I helped start the Mobile County Drug Court in the 1980s, one of the first in the County.

I led a year-long program of prominent citizens, doctors, public officials and law enforcement officials – state, local and federal – to deal with specific drug and criminal issues. As United States Attorney, I initiated the first Law Enforcement Coordinating Committee and led the Department of Justice initiative for the entire time I was United States Attorney.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I taught Elementary School at Goode Street Elementary School for one year (1969-1970) between college and law school.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

No.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Senate Financial Disclosure report for 2015 attached.
Statement of income for 2016 attached.
The current 278-E will be delivered directly to the Committee by the Office of Government Ethics (OGE).

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).
Financial Statement attached.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest and will follow their guidance if confronted with a conflict of interest.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will seek and follow the advice of the Department of Justice's designated agency ethics official if confronted with a conflict of interest in the performance of my duties.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

As a private attorney, I would talk to persons who came to my office seeking legal help and advice, often spending considerable time with those in need when it was clear that the legal work would produce little or no compensation.

I believe attorneys should be willing to do their part to ensure all in need have access to legal representation. After I left as U.S. Attorney, I joined the Mobile Bar Association

Pro Bono Program and took the cases they referred to me.

For well over a decade I actively participated in the Mobile Metro Ministry and its partner, the Mobile United Methodist Inner City Mission. This program provided meals for those in need, valuable assistance to those with health, financial, housing and family concerns. The Mission also operated a swimming pool and summer recreation programs for youth. I was serving as vice chairman when I was elected as Attorney General in 1994.

I gave hundreds of hours of time to drug prevention programs in the South Alabama area. I was an active and continuous member of the board of the Coalition for a Drug-Free Mobile County during the time I was U.S. Attorney. This Coalition, along with partners it coordinated with, laboriously and successfully reduced drug use in the Mobile area. Thousands of untold numbers of persons avoided addiction, marriage dysfunction, jail and personal as well as economic destruction as a result of the dedicated work of wonderful volunteers and the support of local and federal officials.

For one full year, I led a weekly well attended meeting of community leaders and persons with expertise in law enforcement, drug addiction and prevention, mental health, homelessness, public housing, prescription drug abuse, domestic violence and other factors that damaged the lives of so many, especially the poor. This was a truly insightful time and led to many improvements in policy in the area.

I brought the first expert on "Drug Courts" to Mobile in the early 1980's. That presentation led to the establishment of the local Mobile County Drug Court that continues to operate today.

AFFIDAVIT

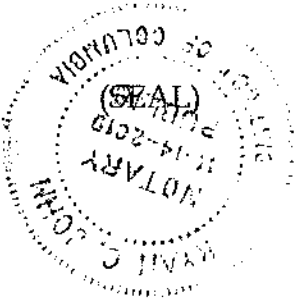
I, Jefferson B. Sessions, III, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

12-9-2016

Date)

Jefferson B. Sessions III

Jefferson B. Sessions, III



[Signature]

Notary Public