January 9, 2017

RE: LETTER FROM LAWYERS’ COMMITTEE FOR CIVIL RIGHTS UNDER LAW IN OPPOSITION TO SENATOR JEFFERSON SESSIONS’ NOMINATION TO SERVE AS ATTORNEY GENERAL OF THE UNITED STATES

Dear Leader McConnell, Leader Schumer, Chairman Grassley, and Senator Feinstein:

We, the undersigned members of the Board of Directors and Trustees of the Lawyers’ Committee for Civil Rights Under Law, write to present our statement regarding the nomination of Senator Jefferson Sessions to serve as Attorney General of the United States. This statement is endorsed as well by several Board members of our affiliates in Boston, Chicago, Denver, Jackson, Los Angeles, Philadelphia, San Francisco and Washington, D.C., whose names follow the statement. Since its creation in 1963, at the urging of President John F. Kennedy, the Lawyers’ Committee for Civil Rights Under Law (Lawyers’ Committee) has been devoted to the recognition and enforcement of civil rights in the United States.

While we have seen significant progress in our nation, the challenges of unlawful discrimination remain. Recognizing the Attorney General’s critical role in civil rights enforcement and the central role that the Department of Justice plays in our democracy, the Lawyers’ Committee has evaluated the record of Senator Sessions to determine if the nominee’s record demonstrates a commitment to upholding and enforcing the Constitution and civil rights laws, ensuring equal justice under the law and promoting the rule of law. We enclose a written statement which summarizes the result of our review. Our key conclusions are set forth below.

Voting Rights Act

One of the core priorities of the Lawyers’ Committee for Civil Rights Under Law is ensuring compliance with the Voting Rights Act of 1965. Senator Sessions’ political career

---

1Affiliate organizations include: Public Counsel; The Public Interest Law Center; Colorado Lawyers’ Committee; The Lawyers’ Committee for Civil Rights and Economic Justice; The Lawyers’ Committee for Civil Rights of the San Francisco Bay Area; Chicago Lawyers’ Committee for Civil Rights Under Law, Inc.; Mississippi Center for Justice; and the Washington Lawyers’ Committee for Civil Rights and Urban Affairs.
demonstrates hostility towards the principles underlying federal civil rights laws, such as the Voting Rights Act, that spans over thirty years.¹

In response to the U.S. Supreme Court’s 2013 decision in *Shelby County, Alabama v. Holder* which gutted Section 5 of the Voting Rights Act, Senator Sessions stated, “if you go to Alabama, Georgia, North Carolina, people aren’t being denied the vote because of the color of their skin.” However, the ongoing work of the Lawyers’ Committee indicates otherwise. Indeed, we have filed several voting rights lawsuits in all three states in the past year alone.²³⁴⁵ While Senator Sessions voted in favor of reauthorizing the expiring provisions of the Voting Rights Act in 2006, during his 1986 confirmation hearing, Senator Sessions described the Act as a “piece of intrusive legislation.” This disdain for one of our nation’s most important federal civil rights laws is particularly problematic at a moment in which we continue to see ongoing voting discrimination and voter suppression across our country.

The Lawyers’ Committee knows the reality of voting discrimination and voter suppression all too well having filed more than a dozen such cases in 2016 alone. Our nation requires an Attorney General who recognizes the existence of voting discrimination and who will use the Voting Rights Act as a tool to confront it. There is no evidence in Senator Sessions’ record that suggests he would bring any meaningful commitment to attacking voting discrimination.

**Pattern or Practice Investigations of Police Departments**

A new report issued by the Justice Department on January 4, 2017 confirmed that there are currently 18 open agreements in pattern or practice policing cases, including 14 court-enforced consent decrees. In the introduction to a 2008 paper published by the Alabama Police Institute, Senator Sessions condemned such investigations and consent decrees as an abuse of federal authority.⁶ “Consent decrees have a profound effect on our legal system as they constitute an end run around the democratic process,” he wrote. This statement suggests that Senator Sessions will not carry forward the critical work of the Justice Department in this area and may abandon the violations addressed by the 18 existing agreements. Such a result would dismantle years of work to restore constitutional policing practices at offending law enforcement agencies across the country.

**Hate Crimes**

Senator Sessions fiercely opposed the 2009 Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. The Act extended federal hate crime protections to people victimized because of their sexual orientation, gender or gender identity, or disability. The law mandates that

---

² *Georgia State Conference of the NAACP, et al., v. Hancock County Board of Elections and Registration, et al.*, 5:15-cv0414-CAR, M.D. GA.
the Attorney General – or a designee – sign off on all criminal prosecutions brought under the Act. But, we have seen a significant uptick in the number of hate crimes and hate-inspired incidents across the country in the last several weeks of 2016. This moment requires an Attorney General who brings a deep commitment to aggressive enforcement of our nation’s laws addressing hate to help turn the tide on this pattern of growing hostility and intolerance. Senator Sessions’ record raises grave concerns that he would bring such commitment to the job.

**Opposition to Federal Civil Rights Legislation**

On a range of civil rights matters, Senator Sessions has consistently and often stood opposed. In 2013, Senator Sessions voted against the 2013 reauthorization of the Violence Against Women Act. In 2013, Senator Sessions opposed the bipartisan immigration reform that passed the Senate. In 2009, Senator Sessions voted against the Lilly Ledbetter Fair Pay of 2009. In 2006, Senator Sessions supported a federal constitutional amendment to ban same-sex marriage. In 2002, Senator Sessions voted against a bill that would have expanded the definition of hate crimes to incorporate acts committed because of a victim’s sex, sexual orientation or disability and permit the federal government to help states prosecute hate crimes even if no federally protected action was implicated. In 1997, Senator Sessions co-sponsored the Civil Rights Act of 1997, a bill which would have eliminated affirmative action by the federal government in connection with federal contracts, employment, or other programs by the activities.

**Conclusion**

The nation needs an Attorney General who has a record of supporting civil rights laws and the principles underlying them, and taking actions that demonstrate this commitment. Unfortunately, the record demonstrates that Senator Sessions does not have the commitment to upholding and enforcing the Constitution and civil rights laws, ensuring equal justice under the law and promoting the rule of law. His confirmation would place at the head of the Justice Department a person, who will not be a vigorous force in promoting the cause of equal justice under law to which this nation has long been committed.

Respectfully,

John Nonna, Co-Chair
James P. Joseph, Co-Chair
Kristen M. Clarke, President and Executive Director

Jane Sherburne
Andrew Kentz
Lisa Cleary
Edward Soto
Teresa W. Roseborough
Eleanor H. Smith
Adam T. Klein

New York, NY
Washington, DC
Washington, DC
Washington, DC
Atlanta, GA
Washington, DC
New York, NY
Nicholas Christakos  
Michael D. Jones  
Betsy Plevan  

Gaeton Alfano  
Rebecca Anderson  
Rand S. April  
Kevin Armstrong  
Daniel Barr  
Sarah Benedict  
Susan Bennett  
Lynne Bernabei  
Victoria B. Bjorklund  
Jonathan I. Blackman  
Jack L. Block  
Ilene Lin Bloom  
Benjamin Blustein  
David J. Bodney  
Lisa W. Borden  
John W. Borkowski  
Kim M. Boyle  
William H. Bradley  
Jeff Brenman  
Terrel J. Broussard  
Stanley J. Brown  
John Camp  
Paulette Caldwell  
Catherine A. Chan  
Todd R. Chandler  
Mike Chanin  
Nicholas E. Chimicles  
Fay Clayton  
Philip E. Cook  
Miles Cooley  
Michael Cooper  
Edward Correia  
Marion A. Cowell, Jr.  
Michelle D. Craig  
Nora Cregan  
Bert H. Deixler  
Armand Derfner  
Emma Dickson  
Sandra B. Durant  
John C. Ericson  
Brian T. Feeney  

Washington, DC  
Washington, DC  
New York, NY  

Philadelphia, PA  
Denver, CO  
Los Angeles, CA  
Minneapolis, MN  
Phoenix, AZ  
Denver, CO  
Washington, DC  
Washington, DC  
New York, NY  
New York, NY  
Evanston, IL  
Denver, CO  
Chicago, IL  
Phoenix, AZ  
Birmingham, AL  
Chicago, IL  
New Orleans, LA  
New York, NY  
Denver, CO  
New Orleans, LA  
New York, NY  
Miami, FL  
New York, NY  
Denver, CO  
New York, NY  
Washington, DC  
Philadelphia, PA  
Chicago, IL  
Los Angeles, CA  
Los Angeles, CA  
New York, NY  
Washington, DC  
Charlotte, NC  
New Orleans, LA  
Cloverdale, CA  
Los Angeles, CA  
Charleston, SC  
San Francisco, CA  
New York, NY  
New York, NY  
Philadelphia, PA
Ira M. Feinberg
James E. Ferguson
Rory FitzPatrick
Marc L. Fleischaker
John Fleming
Eleanor M. Fox
Harold E. Franklin, Jr.
Ellen S. Friedell
Rachel Gallegos
Marc Gary
Kathleen J. Gebhardt
Joseph Gelb
Spencer Gilbert
Matthew A. Glazer
Paul Greenwalt
Howard M. Haenel
Conrad Harper
Robert E. Harrington
Vilia B. Hayes
Andrew Hendry
Matthew M. Hoffman
Paul Holtzman
Jerome Hyman
Priscilla Jimenez
David Johnson
Robert H. Kapp
Jerome C. Katz
Maximilian W. Kempner
Kim Kennan
Charles Kerr
Loren Kieve
Alan M. Klinger
Stephen J. Klastenberg
Naho Kobayashi
Jessie A. Kohler
Daniel F. Kolb
Deborah Gross Kurtz
Edward Labaton
Gregory P. Landis
Brian K. Landsberg
Robert LaRocca
Steven Lass
Michael Lehr
Bradley Levin
Marjorie Press Lindblom

New York, NY
Charlotte, NC
Boston, MA
Washington, DC
Atlanta, GA
New York, NY
Atlanta, GA
Philadelphia, PA
Philadelphia, PA
New York, NY
Boulder, CO
New York, NY
Jackson, MS
Philadelphia, PA
Chicago, IL
Denver, CO
New York, NY
Charlotte, NC
New York, NY
Pinehurst, NC
Chevy Chase, MD
Boston, MA
New York, NY
Philadelphia, PA
Los Angeles, CA
Washington, DC
New York, NY
Lexington, MA
Washington, DC
New York, NY
San Francisco, CA
New York, NY
Philadelphia, PA
Charlotte, NC
Santa Monica, CA
New York, NY
Philadelphia, PA
Lawrence, NY
Seattle, WA
Sacramento, CA
Philadelphia, PA
Denver, CO
Washington, DC
Denver, CO
New York, NY
Sanford Litvack  
Nancy L. Maldonado  
Christopher M. Mason  
Shannon McClure  
Michael McKeever  
Neil McKittrick  
James P. McLoughlin, Jr.  
Ellen Meriwether  
Jeffrey S. Moller  
H. Laddie Montague  
Carlos Montoya  
Sandra B. Wick Mulvany  
Robert A. Murphy  
Aasia Mustakeem  
Blain Myhre  
Bradley S. Phillips  
Kit A. Pierson  
Stephen J. Pollak  
John E. Putnam  
Kenneth L. Racowski  
Michael H. Reardon  
William Robinson  
Sidney S. Rosdeitcher  
David Rosenbaum  
Lowell Sachnoff  
Hon. Shira A. Scheindlin (U.S.D.J. Ret)  
Lauren E. Schmidt  
Jennifer Scullion  
Richard T. Seymour  
Lila Shapiro-Cyr  
Valerie Shea  
Stephen M. Sherline  
Roman Silberfeld  
Jeffrey A. Simes  
Marsha E. Simms  
Garfield Simms  
John Skilton  
David Smith  
Laura Smolowe  
Mark Srere  
David W. Stark  
Hyung P. Steele  
Brian Strange  
Marjorie Sussman  
Michael Swartz

New York, NY  
Chicago, IL  
New York, NY  
Philadelphia, PA  
Philadelphia, PA  
Boston, MA  
Charlotte, NC  
Philadelphia, PA  
Philadelphia, PA  
Philadelphia, PA  
Philadelphia, PA  
Denver, CO  
Los Angeles, CA  
Washington, DC  
Washington, DC  
Washington, DC  
New York, NY  
Phoenix, AZ  
Chicago, IL  
New York, NY  
Denver, CO  
New York, NY  
Washington, DC  
Baltimore, MD  
Miami, FL  
Los Angeles, CA  
Los Angeles, CA  
New York NY  
New York, NY  
Washington, DC  
Washington, DC  
Philadelphia, PA  
Los Angeles, CA  
Washington, DC  
Denver, CO  
Philadelphia, PA  
Los Angeles, CA  
Boston, MA  
New York, NY
Daniel A. Sweetser  
Errol B. Taylor  
T.A. Taylor-Hunt  
Dr. Sandra Thompson  
Martha M. Tierney  
Gail Migdal Title  
Daniel Toaji  
Marc A. Topaz  
Rossie Turman  
Michael Traynor  
Michael W. Tyler  
Peter Van Cleve  
Donna J. Vobornik  
Julie Waggener  
Phillip E. Wilson  
Ekow N. Yankah  
Judy Yun  

 Denver, CO  
 New York, NY  
 Denver, CO  
 Irvine, IL  
 Denver, CO  
 Los Angeles, CA  
 Columbus, OH  
 Philadelphia, PA  
 New York, NY  
 Berkeley, CA  
 Atlanta, GA  
 St. Louis, MO  
 Chicago, IL  
 Denver, CO  
 Philadelphia, PA  
 New York, NY  
 Philadelphia, PA  

 cc: Senate Judiciary Committee