



Hon. Mitch McConnell, Maj. Leader  
U.S. Senate  
S230 US Capitol  
Washington, DC 20510

Hon. Charles Schumer, Min. Leader  
U.S. Senate  
S221 US Capitol  
Washington, DC 20510

Hon. Chuck Grassley, Chairman  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Hon. Dianne Feinstein, Ranking Member  
U.S. Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

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<sup>1</sup>. 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

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<sup>1</sup>Affiliate 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.<sup>1</sup>

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.<sup>2345</sup> 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.<sup>6</sup> "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

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<sup>2</sup> *NAACP v. State of Ala.*, 2:16-cv-00731 (M.D. Ala. 2016).

<sup>3</sup> *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.

<sup>4</sup> *NAACP, et al., v. Kemp, et al.*, 2:16-cv-219-WCO, N.D.GA.Gainesville Div.

<sup>5</sup> *N. Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016).

<sup>6</sup> <http://www.alabamapolicy.org/wp-content/uploads/API-Research-Consent-Decrees.pdf>



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,

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

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cc: Senate Judiciary Committee