AN OPEN LETTER TO THE SENATE

January 9, 2017

The Alliance for Justice Urges Senators to Reject the Nomination of Sen. Jeff Sessions for U.S. Attorney General

Dear Majority Leader McConnell, Democratic Leader Schumer, Chairman Grassley, and Ranking Member Feinstein:

On behalf of The Alliance for Justice, a national association of over 100 organizations representing a broad array of groups committed to the creation of an equitable, just, and free society, I write to urge you to reject the nomination of Sen. Jeff Sessions for the position of U.S. Attorney General.

The U.S. Attorney General is responsible for the enforcement of some of our nation’s most critical statutes. S/he is responsible for independently enforcing the law consistent with essential constitutional values and the rule of law. Unfortunately, Sen. Sessions, throughout his career, has demonstrated that he is unqualified for and incapable of performing the duties of this important role.

The Alliance for Justice was a strong opponent of Sen. Sessions’ nomination for a federal judgeship in 1986. At that time, his pattern of egregious behavior toward African Americans came to light and the Senate, on a bipartisan basis, rightly rejected his nomination to be a federal district court judge. Today we expect to hear from some quarters that the events of thirty years ago are irrelevant. Unfortunately, we need not look that far back to conclude that Sen. Sessions is a person who is uniquely hostile to so many vulnerable populations in this country.

In short, we believe the burden of proof on Sen. Sessions, to demonstrate that he can lead a Department of Justice that fairly and equitably serves all Americans, is unattainable. We believe that Senators who study his record, highlighted below, and consult their consciences on this matter will reach the same conclusion that Sen. Sessions cannot be confirmed to serve as Attorney General of the United States.

Record as Prosecutor

As U.S. Attorney for the Southern District of Alabama, Sessions became known for his animus toward African Americans. Numerous lawyers testified at his 1986 confirmation hearing for a federal judgeship that Sessions had made racist remarks. The Justice Department’s J. Gerald Hebert testified that Sessions claimed the NAACP and the ACLU were “communist inspired” and “un-American” organizations “because they forced Civil Rights down the throats of people.”

Thomas Figures, a black prosecutor who worked under Sessions, testified that Sessions said the Ku Klux Klan was “okay” until he found out they smoked marijuana. Figures also testified that Sessions called him “boy” and told him to “be careful what you say to white folks.” Alarmingly, Figures was prosecuted after his testimony in what has been characterized as an act of revenge; Figures was acquitted of any wrongdoing at trial.
As U.S. Attorney, Sessions prosecuted civil rights activists in Alabama for allegedly committing voter fraud while assisting African-American voters complete absentee ballots. A jury, in deliberations that lasted only a few hours, acquitted the voting-rights activists, although the prosecution chilled voting-rights activities in the state.

Record as Senator

During his 20 years in the Senate, Sen. Sessions has repeatedly voted against legislation that would safeguard equality and liberty; statutes that as Attorney General he would be responsible for enforcing. Sen. Sessions has failed to demonstrate how, given his vocal opposition to their passage, he would ensure proper enforcement of these critical statutes. If he is confirmed, we will see a reversal of decades’ worth of progress on the advancement of equality for millions of Americans. The following examples are illustrative of his contempt for civil rights and equality:

- Senator Sessions has called the Voting Rights Act, a “piece of intrusive legislation.” When the Supreme Court in Shelby County v. Holder struck down Section 5 of the Voting Rights Act, making it easier for states and localities to erect barriers to voting, Sen. Sessions applauded the ruling. He also opposed efforts to update the law.
- In 2013, Sen. Sessions voted against the reauthorization of the Violence Against Women Act, which protects women from domestic violence, dating violence, and sexual assault. He also dismissed the controversy over Donald Trump’s comments about assaulting women as overblown because “everybody knows that Trump likes women.” When he was asked, “so if you grab a woman by the genitals, that’s not sexual assault,” he responded, “I don’t know.”
- He voted against the Shepard-Byrd Hate Crime Act, a bill that enables broader federal prosecution of hate crimes. He said providing civil rights protections to LGBTQ citizens as part of the Act would “cheapen the civil rights movement.”
- Sessions has opposed critical laws that protect persons with disabilities, including criticizing the Individuals with Disabilities Education Act and blaming federal protections for children with disabilities for “accelerating the decline in civility and discipline in classrooms all over America.” Sessions said that federal laws that are designed to ensure children with disabilities can receive an equal education “may be the single most irritating problem for teachers throughout America today.”
- He voted against the Lilly Ledbetter Fair Pay Act, which seeks to ensure equal pay for equal work for women.

In addition, Senator Sessions has consistently fought workers’ rights and regularly opposed efforts to protect our environment. He has also vigorously opposed efforts to make our criminal justice system fairer and more just, including a bipartisan proposal spearheaded by Judiciary Committee Chairman Grassley and Senator Dick Durbin. He has defended a proposed ban on all Muslim immigrants. He voted against Senator John McCain’s bipartisan amendment reaffirming our nation’s prohibition on torture. He has even challenged the basic Constitutional principle enshrined in the Fourteenth Amendment that all persons born in the United States are citizens of this country.

It is almost impossible to overstate how wrong, in both substance and symbol, Senator Sessions’ confirmation would be. On substance, Sen. Sessions has long taken positions hostile to the rights of all
Americans. It is not surprising that countless civil rights groups immediately condemned his nomination. In addition, his confirmation would send the wrong message regarding our nation’s commitment to the principle of equal justice under the law, particularly at a time of heightened awareness of injustices that impact so many communities throughout our country.

The Alliance for Justice respectfully urges the Senate to make the only moral and defensible choice and reject the nomination of a candidate who is wholly unfit for the role of Attorney General.

The members of the Alliance for Justice are grateful for the opportunity to share this information with you. The President of the Alliance, Nan Aron, is available in our Washington, D.C., office at 202-822-6070 to answer any questions you may have.

Sincerely,

Nan Aron