



January 5, 2017

The Honorable Mitch McConnell, Maj. Leader  
United States Senate  
S230 US Capitol  
Washington, DC 20510

The Honorable Charles Schumer, Min. Leader  
United States Senate  
S221 US Capitol  
Washington, DC 20510

The Honorable Chuck Grassley, Chairman  
United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein, Ranking Member  
United States Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

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

On behalf of People For the American Way (PFAW) and our hundreds of thousands of members across the country, I am writing to oppose the nomination of Senator Jefferson Sessions to become Attorney General of the United States. The Attorney General is not the President's lawyer but the "people's lawyer," responsible for exercising independent judgment in enforcing our laws on counterterrorism, civil rights, and many more critical areas. Senator Sessions' record makes clear that he is not qualified to fulfill that role and should not be confirmed.

The last time a Republican-controlled Senate considered Senator Sessions' nomination to a position of responsibility, when he was nominated to a federal district court seat in 1986, he was rejected because of his disastrous record on civil rights. His record over the last 30 years, including his close association with Breitbart News, a self-proclaimed platform for the white nationalist alt-right, makes clear that the Senate's judgment at that time was correct. Senator Sessions has continued to demonstrate that he is an outlier on these and other issues, which are central to the role of Attorney General. As *The New York Times* concluded, making Senator Sessions our Attorney General — in light of his "dogged animus to civil rights," his opposition to laws he would be responsible to enforce, and his resistance to fixing our immigration system and other problems — would be ["an insult to justice."](#)

At the outset, as Ranking Member Feinstein has pointed out, holding confirmation hearings on the currently scheduled dates of January 10 and 11 is entirely inappropriate in light of the gaping holes in Senator Sessions' response to the questionnaire he received from the Senate Judiciary Committee. Even after several attempts to supplement his answers, the record he has provided remains woefully incomplete. He has failed to provide information on decades of speeches, interviews, writings, and other materials similar to the type of information that, as a Senator, he demanded of nominees before hearings took place. The failure to provide such information, he wrote in 2010, is itself ["potentially disqualifying"](#), and he even suggested it could subject a nominee to criminal prosecution. In addition, since President-Elect Trump has delayed the date by which he will explain how he will deal with personal conflict of interest issues until after the hearings are complete, Senators cannot possibly ask Senator Sessions how he would deal with these issues as Attorney General. The hearings clearly should be postponed.

Despite the incomplete record, it is clear based on what we do know that Senator Sessions will not be able to fulfill the important responsibilities of our nation's next Attorney General. He will not be an effective and reliable check on the extremism of this Administration and a defender of justice and the rule of law for all Americans. His own shameful record on race, gender, disability, LGBT status, and immigration makes clear he is unable to protect the rights and liberties of all Americans.

Our nation's Attorney General must have a commitment to fairness and equal opportunity, and to enforcing laws that ban discrimination or crimes based on race, gender, and other grounds. But as more than 150 civil rights and other groups have written, Senator Sessions has a "[30-year record](#) of racial insensitivity" and "hostility to the protection of civil rights," including racist statements when he was an Alabama prosecutor. The fact that Senator Sessions has maintained a [close relationship with Breitbart News](#), a far-right platform for the white nationalist alt-right that was run until recently by Trump strategist Stephen Bannon, in and of itself is disqualifying. That platform has showcased extreme and disturbing claims, such as blaming feminism for mass shootings, claiming that birth control "makes women unattractive and crazy," defending white nationalist alt-right leaders as "intellectuals," and referring to a conservative commentator as a "renegade Jew." The site featured stories that showcased what it called "Black Crime" in an effort to smear African Americans and—shortly after the racially motivated murder of nine churchgoers at an African American church in Charleston, South Carolina—ran an article entitled "Hoist It High And Proud: The Confederate Flag Proclaims A Glorious Heritage."

Despite this appalling record, Sessions has given at least 18 interviews to Breitbart's radio programs and seven exclusive interviews to its print journalists, and his office provided Breitbart with exclusive first access to at least a dozen statements and documents. These numbers bolster what Politico reported in a June profile of Stephen Miller, who was Sessions' communications director before leaving to work for the Trump campaign and who will soon have a top role in the Trump White House. Politico reported that when he was working for Sessions, Breitbart was Miller's "preferred media ally" and that he frequently fed leads to the site's reporters, and organized "a weekly Friday happy hour for Sessions and Breitbart staffers." Sessions himself [told Bannon in 2015](#) that Breitbart was "the absolute bright spot" in coverage of the struggling middle class. "You get it," he said, "your writers get it, every day they find new information that I use repeatedly in debate on the floor of the Senate because it's highlighting the kind of problems that we have. And nobody else is doing it effectively, it's just not happening, so to me it's like a source. And we consistently find your data to be accurate and hold up under scrutiny."

Senator Sessions has also associated himself with other extremist groups. For example, in 2014, he [received an award](#) from the anti-Muslim David Horowitz Freedom Center and specifically praised its leader, even though Horowitz has claimed that all Muslim-American associations are "[fronts for the Muslim Brotherhood](#)," [called House Democratic Leader Nancy Pelosi a "Jew-hating b\\*tch" on Twitter](#), [and claimed amidst protests of police violence that there is "no community that's more racist in America than the black community](#)." In 2015, Sessions [accepted](#) the "Keeper of the Flame" award from the Center for Security Policy, the group run by anti-Muslim conspiracy theorist Frank Gaffney, [saying](#) that the Center "fights for America every day." Gaffney was the driving force behind [smears against Hillary Clinton aide Huma Abedin, also promoted by Horowitz, that Senator John McCain called "an unwarranted and unfounded attack on an honorable woman, a dedicated American and a loyal public servant](#)." He also claims that there is an Islamist attempt to seize control of the conservative movement, alleging that conservative activist [Grover Norquist](#) is an agent of the Muslim Brotherhood, saying that former GOP Senator Chuck Hagel acted like an "Iranian agent," and accusing New Jersey Governor Chris Christie of "[misprision of treason](#)" because he appointed a Muslim lawyer to be a judge. He once claimed that a Missile Defense Agency logo was evidence of "[official U.S. submission to Islam](#)."

Other specific areas of concern about Senator Sessions' record include:

Voting rights: Senator Sessions has an extremely troubling history on voting rights, including a much-criticized and [unsuccessful voter fraud prosecution and vote suppression tactics](#) when he was a prosecutor in Alabama, and [opposition to voting rights protections](#) as a Senator. This record includes racist comments as well as comments antagonistic to civil rights such as allegedly calling a white civil rights attorney "a disgrace to his race" and, as recently as 2010, complaining that too many of President Obama's judicial nominees had "ACLU DNA." [We have serious concerns](#) that as Attorney General under Trump, Sessions would not only cut back substantially on DOJ's positive voting rights role but that he would also pursue harmful claims of [alleged voter fraud and attempt to force states to purge more voters](#) from their rolls.

Equal educational opportunity: In addition to the Department of Education, the Attorney General and DOJ play an important role in providing guidance and enforcing federal laws and rules that prevent discrimination and improper discipline, harassment and isolation of students based on race, national origin, religion, gender and gender identity, disability, and special education needs. Senator Sessions' record, however, is cause for deep concern. As Alabama Attorney General, he strongly opposed a state court ruling, later upheld on appeal, that found [serious inequities and inadequacies](#) in funding for poor and minority schools. A [recent review](#) found little evidence to back up his supporters' claims that he actively supported school desegregation efforts in Alabama. As Senator, he criticized laws providing special education for students with disabilities, calling them perhaps the ["single most irritating problem for teachers across America today,"](#) and leading to serious concern about whether he would effectively enforce those laws as Attorney General. And given his virulent anti-LGBT record, Sessions is considered [likely to withdraw](#) DOJ guidance and litigation seeking to protect the rights of transgender students.

Other Gender and LGBT issues: One of the Attorney General's key responsibilities is enforcing criminal and other laws that protect against violence and other misconduct aimed at women and the LGBT community. But as Senator, Sessions [fought against hate crime protection](#) for LGBT people and we have grave concerns that he is likely to neglect or abandon the responsibility to enforce hate crimes laws. He was one of only 22 Senators who [opposed the reauthorization of the Violence Against Women Act](#) in 2013, he [voted against](#) the Lilly Ledbetter Fair Pay Act, and during the campaign he tried to defend Mr. Trump's own reported assaults on women, leading to [serious concerns](#) about Sessions' willingness to perform DOJ's role in that area.

Immigration: The Attorney General and DOJ have important functions concerning our nation's immigration laws. [These include](#) appointment of administrative immigration judges and appeals board members who decide most deportation and related cases, setting criteria for asylum, deciding on enforcement priorities, and more. Sessions' extreme record on immigration, however, has been well documented. He has [supported Trump's campaign immigration promises](#), including stepped up deportation, limiting or banning immigration by Muslims, and building a wall between the US and Mexico, and has [voted against](#) bipartisan comprehensive immigration reform. Moreover, particularly given his close association with virulently anti-immigrant groups as noted above, we fear Sessions could well refuse to take action against school systems that refuse to serve children of undocumented immigrants, especially in light of his [opposition to the Constitution's guarantee of birthright citizenship](#).

Civil Liberties: Both in his role as the nation's chief prosecutor and as the official to whom the FBI reports, the Attorney General also plays a key role with respect to national security. The [FBI](#), as well as [Republicans and Democrats](#), have made clear that effective protection of national security consistent

with the rule of law means that waterboarding and torture should not be pursued in terrorism investigations. Senator Sessions clearly disagrees, and has [voted against](#) bipartisan proposals to ban such tactics. Sessions has also opposed efforts to curb overly aggressive electronic surveillance of Americans, as demonstrated by his [opposition](#) to bipartisan reform of the Patriot Act that was supported by the NSA itself. Sessions as Attorney General could produce an extremely troubling reversal in this area for the DOJ.

In short, Senator Sessions' record makes clear his continued disregard for the rights of the American people and the rule of law. He is unfit to serve as our nation's Attorney General, and the Senate should again reject his nomination.

Sincerely,

A handwritten signature in black ink, appearing to be 'Michael Keegan', with a long horizontal tail extending to the right.

Michael Keegan  
President & CEO