January 17, 2017

The Honorable Charles Grassley  
Chairman  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C., 20510

The Honorable Dianne Feinstein  
Ranking Member  
U.S. Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C., 20510

Dear Chairman Grassley and Ranking Member Feinstein:

We at the Center for Lesbian Rights write to oppose the nomination of Jefferson B. Sessions as Attorney General of the United States. The National Center for Lesbian Rights strives to protect the equality and freedom of the LGBT community, and Senator Sessions’ long public record reflects positions that threaten our nation’s fundamental commitments to the principles of equal protection and fairness for all.

The Attorney General is tasked with enforcing the laws of the United States, including the constitutional requirements of equal protection and due process and federal civil rights statutes to ensure the fair and impartial administration of justice for all persons. Throughout his time in public life, Senator Sessions has taken positions that call into question his commitment to enforce those protections vigorously, especially on behalf of those who are most vulnerable to discrimination and disenfranchisement.

**Senator Sessions’ Opposition to Robust Enforcement of the Voting Rights Act**

Our nation has a long and troubling history of denying and impeding the rights of Black voters, who have been subjected to repeated efforts to prevent their equal participation in the most fundamental of all democratic rights. Since the U.S. Supreme Court’s decision striking down a critical provision of the Voting Rights Act, state legislators in a number of states have once again embarked upon shameful new efforts to enact restrictions deliberately designed to deter Black voters.

Especially in light of this deeply alarming development, we are troubled by Senator Sessions’ prosecution of three civil rights activists for voter fraud in Alabama in 1985, and his subsequent statements promoting unsupported concerns about voter fraud. We are equally troubled by Senator Sessions’ refusal to state his clear opposition to contemporary efforts to deny Black persons equal voting rights. As many other organizations, elected officials, scholars, and civil rights organizations have stated, no person with Senator Sessions’ demonstrated lack of commitment to robustly enforcing equal voting rights should hold the office of Attorney General of the United States.

**Senator Sessions’ Opposition to Equality for LGBT People**

We also oppose Senator Sessions’ nomination because of his long record of opposition to basic legal and social equality for LGBT persons. Senator Sessions supported laws denying same-sex
couples the fundamental freedom to marry\textsuperscript{1} and condemned the Supreme Court’s decision in \textit{Obergefell v. Hodges} in harsh terms.\textsuperscript{2} While many other elected officials have also opposed marriage equality, few have voiced their opposition in such strident terms or indicated such deep-seated disdain for the Supreme Court’s recognition that LGBT persons have an equal right to marry. As representatives of the LGBT community, we are deeply concerned that Senator Sessions lacks a commitment to enforcing that decision, especially in the face of efforts by some elected state officials to undermine and chip away at the equal treatment of married same-sex and opposite-sex couples.

Our concerns are amplified by Senator Sessions’ history with respect to other LGBT issues. At every opportunity, Senator Sessions has reiterated his opposition to the inclusion of LGBT persons on equal terms in the central institutions of our democracy. He opposed the repeal of Don’t Ask, Don’t Tell, stating that it is a mistake not to believe the repeal would “have a corrosive impact on the men and women in the military.”\textsuperscript{3} He similarly opposed the Shepard-Byrd Hate Crimes Prevention Act, which addressed hate crimes motivated by the victim’s race, gender, gender identity, or sexual orientation, stating that the law was not “compelled by the facts that are happening in America today.”\textsuperscript{4}

As Alabama Attorney General in 1996, Senator Sessions used his position to pressure university officials to cancel the Southeastern Lesbian, Gay, Bisexual College Conference from meeting at the University of Alabama, based on a state law that made it illegal for public universities to fund groups promoting “actions prohibited by the sodomy and sexual misconduct laws.”\textsuperscript{5} In a disturbing display of official intimidation, Senator Sessions wrote a letter to the university president, stating that the conference violated state law and urging its cancellation. Shortly thereafter, a federal district court struck down Alabama’s state law as unconstitutional. Senator Sessions’ actions in this matter demonstrated an alarming willingness to use his public office as Alabama’s chief law enforcement official to target pro-LGBT association and speech and to endorse a blatantly far-fetched and improper application of an already unconstitutional law to intimidate a disfavored minority.

Most recently, Senator Sessions has co-sponsored the First Amendment Defense Act,\textsuperscript{6} which would create sweeping new exceptions to our nation’s civil rights statutes, primarily in order to permit businesses to discriminate against LGBT persons.\textsuperscript{7}

\textbf{Senator Sessions’ Views on Immigration and Religious Minorities}

Senator Sessions has also demonstrated a lack of commitment to protecting the equality and human rights of immigrants and religious minorities. In the Senate, Senator Sessions has emerged as one of the most anti-immigration lawmakers in our nation’s history, voicing extreme positions that reinforce negative stereotypes of immigrants as a threat to our national

\textsuperscript{1}Floor Statement, Sen. Sessions on the Marriage Protection Amendment, June 6, 2006.
\textsuperscript{2}Houston Chronicle, “In wake of gay marriage decision, Cruz pushes ‘retention’ elections for Supreme Court justices,” (July 22, 2015).
\textsuperscript{3}Floor Statement, Sessions Speaks On The Defense Authorization Bill, Sept. 21, 2010.
\textsuperscript{4}Floor Statement, Sessions Expresses Concern about the Hate Crimes Act, July 20, 2009.
interest. In 2016, Senator Sessions referred to Islam as a “toxic ideology” and voted against a Senate resolution stating that the U.S. should not use religion tests as a determining factor in immigration decisions. These positions demonstrate not only an unwarrantedly negative view of those seeking refuge and opportunity in this country, but also a dangerous view of our constitution’s protections for religious liberty.

**Senator Sessions’ History of Opposition to a Just Criminal Justice System**

Senator Sessions has a well-documented record of opposing bipartisan reforms widely acknowledged by leaders in both parties as critical to improving the fairness of the U.S. criminal justice system. While Senator Sessions supported reducing the sentencing disparity between crack and powder cocaine offenses, he opposed retroactive application of that adjustment, which is critical to addressing the acknowledged unfairness of the prior law (including its severely disparate impact on persons of color), and also sought to weaken the law’s correction of the disparity despite its continuing imposition of unfairly disparate penalties. Senator Sessions also continues to support draconian mandatory minimum sentences, despite their documented ineffectiveness and racially disparate impact. Recently, he opposed a bipartisan attempt to reduce unnecessarily long federal prison sentences for nonviolent offenses by helping to block the Sentencing Reform and Corrections Act, which was supported by Republican leadership.

Unlike a number of Senator Sessions’ Republican colleagues, he supports “civil asset forfeiture,” which enables law enforcement to take property from a person before they are accused of a crime. Additionally, Senator Sessions does not support the Department of Justice’s initiative to focus on fewer but “more serious drug offenses,” which has helped to reduce the federal prison population. Finally, Senator Sessions has criticized the Department of Justice for its investigations into allegations of police misconduct and a “pattern or practice” of violating civil rights. These actions cast serious doubt on Senator Sessions’ commitment to ensuring a criminal justice system that treats individuals fairly and equally.

**Senator Sessions’ Lack of Support for Women’s Equality and Opposition to the Fundamental Right to Procreative Freedom**

Senator Sessions has consistently opposed legislation seeking to ensure equality for women, including multiple efforts to ensure equal pay for equal work (including the Lilly Ledbetter Fair Pay Act of 2009[^9]), measures to protect women’s access to reproductive health services, and policies to address violence against women. He has voiced consistent opposition to women’s constitutionally protected right to abortion, amassing one of the Senate’s most consistent and extreme records on this issue—including voting to entirely eliminate the Title X family planning program and contraceptive access despite the devastating impact such a measure would have on women’s health and well-being.

When considered as a whole, Senator Sessions’ track record of opposition to many of our nation’s landmark civil rights statues and judicial precedents casts serious doubt on his commitment to enforce these fundamental protections. For these reasons, we oppose the nomination of Senator Jeff Sessions as Attorney General of the United States.

Sincerely,

National Center for Lesbian Rights