



NAACP Legal Defense and Educational Fund, Inc. Overview of the Civil Rights Record of Reported Attorney General Nominee Jeff Sessions

On November 18, 2016, President-Elect Donald Trump announced that Republican Alabama Senator Jeff Sessions will be his nominee for Attorney General of the United States. Sen. Sessions has been a member of the Senate since 1997, and previously served as Alabama Attorney General and United States Attorney for the Southern District of Alabama. In 1986, President Ronald Reagan nominated then-U.S. Attorney Sessions to be United States District Judge in the Southern District of Alabama, but his nomination was rejected by the Senate Judiciary Committee and ultimately withdrawn.

As head of the Department of Justice and the nation's top law enforcement official, the position of Attorney General is one of unparalleled power within the Executive Branch and has profound implications for civil rights. The Attorney General must "ensure the fair and impartial administration of justice to all Americans,"¹ including by monitoring and enforcing Americans' constitutional and civil rights. It is therefore essential that any nominee's record on civil rights is thoroughly and closely scrutinized before confirmation to this position of extraordinary public trust and firmly opposed if that record indicates a lack of commitment to the constitutional principles of fairness, equality and the rule of law.

Below is an initial overview of Sen. Sessions record on civil rights throughout his career, including: legislative votes; his statements on civil rights issues and organizations that advocate for civil rights; his record as a federal prosecutor; votes and statements on nominations, which form a substantial part of Sen. Sessions' record as a member of the Senate Judiciary Committee; and testimony from the 1986 Judiciary Committee hearing on Sen. Sessions' nomination to be district court judge.

1. Senate Legislative Record

- In 2009, Sen. Sessions [voted against](#) the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. Signed into law by President Obama, the bill expanded federal hate crime legislation to include crimes motivated by a victim's actual or perceived gender, sexual orientation, gender identity, or disability.
- In 2009, Sen. Sessions [voted against](#) the Lilly Ledbetter Fair Pay of 2009. The bill—which was the first that President Obama signed into law—amended the Civil Rights Act of 1964 to ensure that the statute of limitations does not unfairly bar claims of pay disparity based on gender discrimination.

¹ <https://www.justice.gov/about>

- In 2006, Senator Sessions supported a federal constitutional amendment to ban same-sex marriage. He [voted to invoke cloture and move to a final vote](#) on the amendment, which fell 11 votes short of the 60 it needed to pass.
- In 2013 Sen. Sessions [voted against](#) the 2013 reauthorization of the Violence Against Women Act.
- In 2006, Sen. Sessions voted with a unanimous Senate to reauthorize the Voting Rights Act of 1965, but [he has criticized the landmark civil rights law](#) as “intrusive,” and agreed with the Supreme Court’s 2013 decision, *Shelby County, Alabama v. Holder*, that struck down key provisions of the law. Sen. Sessions [has opposed efforts](#) to restore and update the Voting Rights Act after the *Shelby County* decision.
- With respect to immigration, in 2015, Sen. Sessions supported [the Stop Sanctuary Policies and Protect Americans Act](#), which would have prohibited sanctuary jurisdictions from receiving federal grant money.
- In 2013, Sen. Sessions [opposed the bipartisan immigration reform](#) that passed the Senate. When it passed, he published an [“Immigration Handbook for the New Republican Majority”](#) to assist Republican efforts to defeat the bill in the House, and has updated the handbook to oppose subsequent efforts to enact immigration reform.

2. Nominations

- As a member of the Senate Judiciary Committee, Sen. Sessions has [criticized judicial nominees](#) with civil rights backgrounds for having the “ACLU gene.” For example, [he levied this criticism against Judge Ed Chen](#), an Obama-appointee confirmed to the Northern District of California in 2011, who served as a staff attorney at the ACLU representing individuals in discrimination and civil rights matters, and who represented Fred Korematsu in a lawsuit that successfully overturned his prior conviction for violating the Japanese Internment Order during World War II.
- In 2010, Sessions [complained on the Senate floor](#) that President Obama was nominating judges with “ACLU DNA” and the “ACLU Chromosome.”
- In 2015, Sen. Sessions [suggested that Paula Xinis](#), then a nominee to the U.S. District Court for the District of Maryland, had an “agenda” because her law firm represented Freddie Gray’s family in a wrongful death civil suit against the City of Baltimore.
- Sen. Sessions opposed the nominations of [Justices Sonia Sotomayor](#) and [Elena Kagan](#) to the Supreme Court, voting against their nominations both in the Judiciary Committee and on the Senate floor.
- In 2015, Sen. Sessions voted against the confirmation of Loretta Lynch to serve as Attorney General of the United States. Lynch [was confirmed](#) 56-43 and became the first African-American woman to serve as Attorney General.

3. Sen. Sessions' 1986 U.S. District Court Nomination

- In 1986, the Senate Judiciary Committee rejected Sessions' nomination to serve as a U.S. district court judge in Alabama based on his record opposing civil rights, racist comments, and concerns about his ability to preside impartially, particularly with respect to civil rights and the rights of African Americans.
 - During Sessions' 1986 confirmation hearing, an African-American Assistant U.S. attorney, Thomas Figures, [testified](#) that Sessions had called him “boy,” and that Sessions had said he approved of the Ku Klux Klan until he learned its members smoked marijuana. Figures testified that he “took it as a serious statement.”
 - Sessions' district court nomination came only months after his failed federal prosecution of “The Marion Three.” In 1985, [Sen. Sessions prosecuted Albert Turner](#)—a former field secretary for Martin Luther King's Southern Christian Leadership Conference—and two other African-American activists for registering Black voters and working to increase voter turnout in Black communities. Sen. Sessions and the Justice Department alleged voter fraud and brought 29 counts of mail fraud, altering absentee ballots, and conspiracy to vote more than once. A jury found the three defendants not guilty of all counts.
 - [According to testimony given during his 1986 confirmation hearing](#), Sessions called the NAACP and the ACLU “un-American” and “communist-inspired” groups that “forced civil rights down the throats of people.”

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