Setting the Record Straight on Senator Sessions’ Attempts to Rewrite History on His Civil Rights and Equality Record

As we continue to see at the hearing for Senator Sessions’ nomination to serve as the U.S. Attorney General, time and time again the nominee has sought to manipulate the facts of his record on civil rights and equality.


This is a significant illustration of Sessions trying to rewrite history and recast himself, falsely, as a champion of equality. To be clear, Sessions voted against the reauthorization of VAWA that Congress passed in 2013, and that 78 senators, including 21 Republicans, supported. The substitute bill that Sessions supported – which gathered only 34 votes – included provisions that would have chilled victim reporting, language that ignored the rights of the LGBTQ community and the disproportionate impact of sexual assault on women, and unnecessary and burdensome new audit requirements for the recipients of DOJ grants under VAWA.

2. Senator Sessions continues to obscure his work in prosecuting civil rights leaders in the “Marion Three” case.

In 1985, Sessions unsuccessfully prosecuted the late Spencer Hogue, the late Albert Turner and his wife Evelyn Turner – known as the “Marion Three – who had sought to help Black elderly voters throughout rural Perry County, Alabama who faced difficulty voting. Sessions’ case unsuccessfully attempted to portray this crucial assistance as criminal. CNN reported: “Evelyn Turner said her husband was devoted to registering blacks to vote, getting more political representation for minorities, more services, and she says, he frequently ran into opposition from the politicians who were used to having Perry County run by their own rules. ‘They didn't want us to be in charge because there's more black folks in Perry County than there is white,’ Turner said, adding her husband ‘just wanted equal rights for all citizens.’” Former Massachusetts Governor Deval Patrick, a staff lawyer at the NAACP Legal Defense and Education Fund at the time, represented the defendants and provided a firsthand account contradicting Sessions’ claims in a letter to the Senate Judiciary Committee. Patrick outlined ways in which Sessions’ conduct in the case specifically targeted, and even intimidated, Black voters, many of them elderly, concluding: “To use prosecutorial discretion to attempt to criminalize voter assistance is wrong and should be disqualifying for any aspirant to the nation’s highest law enforcement post.”

Shedding light on this wholesale rewrite of history by Senator Sessions and his supporters, law professor Lani Guinier describes the targeting of the Marion Three and the subsequent effects on chilling Black political participation for years to come in her book Lift Every Voice.
3. Sessions claimed to support sentencing reforms, but he was in fact a lead obstructionist.

Despite his comments today, the reality is Senator Sessions opposed and sought to defeat the Sentencing Reform and Corrections Act ("SRCA"), a bipartisan proposal that was introduced in 2015 and reforms federal sentencing rules and mandatory minimum sentences. This morning, as he’s done regularly in the past, Sessions cherry picked statistical data from the FBI’s Uniform Crime Reporting Program to support his false claims that the United States is suffering from a precipitous increase in crime caused by a shrinking prison population.

Moreover, to mitigate his history of advocating harsh sentencing policies, Sessions takes credit for the Fair Sentencing Act, which reduced the federal sentencing disparities between crack cocaine and powder cocaine. A close look at his record on this issue, however, shows that his contributions have been minimal. Despite the severe racial disparities between crack and powder cocaine sentencing, Sessions supported reducing, not eliminating, the 100:1 sentencing ratio between crack and powder cocaine. In 2010, when Senator Durbin (D-IL) introduced the Fair Sentencing Act, he and other Democrats called for a complete elimination of the disparity and a 1:1 sentencing ratio. Sessions did not agree to this nor did he agree to the 10:1 ratio supported by other Republicans on the Senate Judiciary Committee. And Sessions has opposed even modest attempts to retroactively address the racial disparities on this issue, a view that sets him far apart from the consensus on criminal justice reform.

4. Senator Sessions’ overstated his involvement in desegregation and voting rights cases to support his false claims of being a civil rights advocate.

When asked to list the top 10 cases he personally litigated as the U.S. Attorney for Alabama, Senator Sessions sought to mislead the Committee by listing three voting rights cases and one school desegregation case in which he was not involved. Three attorneys from the Justice Department’s Civil Rights Division who brought these lawsuits forward said: “We can state categorically that Sessions had no substantive involvement in any of them. He did what any U.S. attorney would have had to do: He signed his name on the complaint, and we added his name on any motions or briefs. That’s it.”

5. Senator Sessions misrepresents past views on chain gangs

In response to questioning, Senator Sessions expressed his support for the use of productive labor in prisons, and claimed that he had not supported – and did not have legal knowledge on – the outdated, cruel practice of chain gangs. Yet, when Alabama Governor Fob James returned chain gangs to the state prison system in 1995, as state Attorney General Sessions was a vigorous supporter, promising to “aggressively defend any legal challenge against it." Sessions even called the practice “constitutional and proper,” and less embarrassing to Alabama than tort issues.

For more insights on Sessions’ record on civil rights and equality, check out a report by the NAACP LDF.