



November 13, 2017

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Dear House Judiciary Committee Member,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, I am writing in advance of tomorrow's U.S. Department of Justice oversight hearing to raise serious concerns about the department's record under President Trump on issues that are critically important to the civil and human rights community.

Nine months ago, members of the Senate Judiciary Committee narrowly voted to advance the nomination of Senator Jeff Sessions to be the nation's 84<sup>th</sup> Attorney General. This Tuesday marks the first time Sessions will testify before this committee, and he must be held accountable for the actions he has taken since his confirmation in February. Members must take seriously their oversight responsibility and publicly explore his troubling record of rolling back the civil and human rights of our nation's most vulnerable communities.

Sessions' hostility to civil rights is longstanding. Over three decades ago, when he was nominated for a federal judgeship in Alabama, Coretta Scott King [sent a letter](#) to this committee about the damage Sessions would do if confirmed to the federal bench. "I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago." As a senator for two decades, Sessions had a record of consistently opposing civil and human rights legislation, bearing out the concerns expressed by Mrs. King.

Based on his anti-civil rights record, our coalition opposed Sessions' nomination to be Attorney General. Unfortunately, our concerns have been realized. Since his confirmation in February, Sessions has advanced an anti-civil rights agenda and has failed to be an Attorney General for all people and communities.

Despite testifying during his confirmation hearing that "We must continue to move forward and never back," Sessions has stood on the wrong side of history and has moved our nation backward on a number of core civil and human rights issues. In particular, we are concerned about his actions to undermine voting rights, sentencing reform, policing, and LGBTQ rights. On these issues, some of the department's most egregious actions have included:

Voting rights

- On [February 27](#), the Department of Justice dropped the federal government's claim that a Texas voter ID law under legal challenge was intentionally racially discriminatory, despite

having successfully advanced that argument in multiple federal courts. The district court subsequently rejected the position of the Sessions Justice Department and concluded the law was passed with discriminatory intent.

- On [June 28](#), the Justice Department's Civil Rights Division sent a letter to 44 states demanding extensive information on how they maintain their voter rolls. This request was made on the same day that President Trump's so-called Commission on Election Integrity sent letters to all 50 states demanding intrusive and highly sensitive personal data about all registered voters.
- On [August 7](#), the Justice Department filed a brief in the Supreme Court in *Husted v. A. Philip Randolph Institute* arguing that it should be easier for states to purge registered voters from their rolls – reversing not only its longstanding legal interpretation, but also the position it had taken in the lower courts in that case.

### Criminal justice

- On [February 23](#), Sessions withdrew an earlier Justice Department memo that set a goal of reducing and ultimately ending the department's use of private prisons.
- In a [March 31 memo](#), Sessions ordered a sweeping review of consent decrees with law enforcement agencies relating to police conduct – a crucial tool in the Justice Department's efforts to ensure constitutional and accountable policing. The department also tried – unsuccessfully – to block a federal court in Baltimore from approving the department's own proposed consent decree with the city on police practices, arguing that there were “grave concerns” with an agreement that the department itself had negotiated over a multi-year period.
- On [May 12](#), Sessions announced in a two-page memo that the Department of Justice was abandoning its Smart on Crime initiative by overturning the criminal charging policy put in place by the previous administration.
- On [August 28](#), Sessions lifted the Obama administration's ban on the transfer of some military surplus items to domestic law enforcement. The guidelines rescinded by Sessions were created in the wake of Ferguson.
- On [September 15](#), the department ended the Community Oriented Policing Services' Collaborative Reform Initiative, a Justice Department program that aimed to help build trust between police officers and the communities they serve.

### LGBTQ rights

- On [February 22](#), the Civil Rights Division and the Department of Education's Office for Civil Rights jointly rescinded Title IX guidance clarifying protections under the law for transgender students.
- On [July 26](#), the Department of Justice filed a legal brief arguing that Title VII of the Civil Rights Act of 1964 does not prohibit discrimination based on sexual orientation – a decision that contravened recent court decisions and Equal Employment Opportunity Commission guidance.
- On [September 7](#), the Department of Justice filed a brief with the Supreme Court in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* arguing that businesses have a right to discriminate against LGBTQ customers.



- On [October 4](#), the Department of Justice filed a brief in the U.S. District Court for the District of Columbia asking the court to dismiss a lawsuit against the president’s transgender military ban.
- On [October 5](#), Sessions reversed a Justice Department policy which clarified that transgender workers are protected from discrimination under Title VII of the Civil Rights Act of 1964.
- On [October 6](#), the Department of Justice issued sweeping religious liberty guidance to federal agencies, which will create a license to discriminate against LGBTQ individuals and others.

In addition to these concrete actions, the department in May published a [revised list of priorities](#) for the Civil Rights Division that excluded all mention of the need for constitutional policing, combatting discrimination against the LGBTQ community, or protecting people with disabilities. The same budget document called for cutting 121 positions from the Civil Rights Division. This is especially troubling as this year marks the 60<sup>th</sup> anniversary of the Civil Rights Division, which was created by passage of the Civil Rights Act of 1957.

In August, [The New York Times reported](#) that the “Trump administration is preparing to redirect resources of the Justice Department’s civil rights division toward investigating and suing universities over affirmative action admissions policies deemed to discriminate against white applicants.” This investigation and enforcement effort was planned to be run out of the Civil Rights Division’s front office by political appointees, instead of by experienced career staff in the division’s educational opportunities section.

Sessions testified at his confirmation hearing that “The Department of Justice must never falter in its obligation to protect the civil rights of every American, particularly those who are most vulnerable.” The Leadership Conference agrees with that statement but – time and again – Sessions’ actions as Attorney General, as outlined above, have failed to live up to that rhetoric.

Today, nearly three months after horrifying acts of white supremacy, violent extremism, and domestic terrorism in Charlottesville, Va. – at a time when the United States has a leader whose presidency has emboldened and enabled forces of hate and division in this country – our nation deserves an Attorney General who will vigorously enforce federal civil rights laws and stand with our most vulnerable communities. Sessions is failing in that regard, and I urge you to hold him accountable during tomorrow’s Department of Justice oversight hearing.

Thank you for your consideration of our views. If you have any questions or would like to discuss this further, please contact Mike Zubrensky, Chief Counsel and Legal Director, or Sakira Cook, Senior Counsel, at (202) 466-3311.

Sincerely,

Vanita Gupta  
President & CEO