

Hearing Transcript

Senate Judiciary Committee Hearing on the Nomination of Sen. Sessions to be Attorney General

Day 2

January 11, 2017

GRASSLEY:

Morning, everybody.

I welcome everyone back for our second day of hearing on Senator Sessions' nominee -- nomination for Attorney General. As I said yesterday, I want everyone to be able to watch the hearing without obstruction. If people stand up and block the views of others behind them or if they speak out of turn, it's not fair or considerate to others. So officers will remove individuals as they have previously. Before we begin with opening statements from the panel, I want to go over a couple of housekeeping items and explain how we're going to proceed today. Senator -- Senator Whitehouse will be acting as Ranking Member today and I will give an opening statement and he can if he wants to as well. I welcome that.

Then we'll turn to our witnesses for their opening statements. Following the statements, we'll begin with the first rounds of questions, in which each senator will have seven members (sic). After we finish asking questions of the first panel, we'll turn to the final panel for their testimony. And in regard to the timing of that, it will kind of depend on when this panel is completed. But if we get this panel completed, let's say around lunch or 12:30 or 1 o'clock, we may adjourn for an hour or so at that time. But I won't be able to make that determination until we finish here with this panel. Yesterday, we met here from 9:30 until about 8 p.m., so that every Senator, both Democrat and Republican could ask Senator Sessions as many questions as they wanted to.

We had great cooperation every day, yesterday, and I should thank everybody for that cooperation, and we'll press ahead into today. We heard from Senator Shelby and Collins, who gave their strong endorsement of Senator Sessions. Their introductions describes Senator Sessions extensive experience, outstanding qualifications and character. I also want to note that yesterday, Senator Feinstein participated in her first nomination hearing as the new Ranking Member. I'm looking forward to working with her in her new capacity as I said yesterday. In her opening statement yesterday, Senator Feinstein correctly observed and I'd like to quote, fairly long quote, "Today we're not being asked to evaluate him, meaning Senator Sessions, as a Senator. We're being asked to evaluate him for the Attorney General of the United States, the chief law enforcement for the largest and best democracy in America."

She continued, "As attorney general, his job will not be to advocate for his beliefs, rather the job of attorney general is to enforce federal law, even if he voted against a law, even if he spoke against it before it passed, even if he disagreed with the President, seeing that the law is constitutional."

Then she concluded, "This hearing must determine whether this Senator will enforce the laws that he voted against." end of quote. And yesterday, through 10 and a half hours of testimony, we got a clear and unequivocal answer to this threshold question. He was asked repeatedly if he would enforce the law, even if he disagreed with that law as a matter of policy. Time and again, Senator Sessions reaffirmed his commitment to this fundamental principle. As Attorney General of the United States his solemn duties are, as we all know and expect, are to the Constitution and to enforce the law duly enacted.

His fundamental commitment to the rule of law emerged as a central theme of our discussion yesterday. And as I made clear in my opening statement, that's what I believe the department desperately needs. Yesterday -- yesterday's testimony further convinced me that Senator Sessions is the right choice to serve as our nation's chief law enforcement officer at this critical time. We know that he is very well qualified for the position having served for 15 years as a prosecutor and now 20 years as a Senator, so that's three decades of public service. We all know (ph) Senator Sessions will be up front with you when you say that he's going to do something, he will do it. Senator Sessions will be an independent attorney general, as he's been asked so many times yesterday and about his enforcement of the law. That's the bottom line. I now turn to Senator Whitehouse.

WHITEHOUSE:

Thank you very much Chairman. Let me, just make some very brief remarks. First, I can't help but note as a general proposition, hearing after hearing, the effort to push nominees into confirmation hearings before their FBI background checks are complete. Before their ethics and financial disclosure filings are concluded, and I'd like to put into the record, this hearing, the letter that Senator Schumer, Minority Leader Schumer wrote to Majority Leader McConnell. In which, he took a letter that Majority Leader McConnell had written, Minority Leader McConnell had written to Majority Leader Reed and simply changed the names. He wrote, Dear Mitch, in place of dear Harry, and he signed his own name at the bottom and it was thus a verbatim letter. And what we have been asking for is exactly what Republicans asked for over and over again, what has long been the tradition of the Senate.

It is not the Senate's fault that the Trump administration was not prepared and that it did not have its nominees vetted. In place, I know that Senator Sessions has been one of the nominees who has been prepared but I can't help but point out that across the board the ramming of unvetted nominees, the stacking of hearings on top of hearings, and the jamming of all of this up against an unprecedented vote-a-rama for a no-hearing budget, creates I think an unfortunate new precedent in the Senate. The point that I'll make about the Department of Justice is somebody who has served in the Department of Justice, like many of my colleagues or a number of my colleagues, is that I think there's legitimate concern based on the hectoring in the right wing groups for a general house cleaning of career staff, and for a particular targeting of named career staff.

As I mentioned in my questioning yesterday, one of the Heritage Foundation spokespeople made the comparison to the Aegean Stables and filth as having to be washed out of the Aegean Stables. I don't think it's fair to characterize the career of employees of the United States Department of Justice as filth, and, nor do I think it is proper to assert that this should not be secular. And, I think

it's a matter of concern when an attorney general thinks that a secular attorney may have a lesser, or different appreciation of truth than a religious attorney. Particularly coming from what I want more, freedom of conscience has been such a principle of core values since the days of Roger Williams. When Providence was a tiny settlement in the wilderness, where people who thought freely were able to get away from the theocracy of Massachusetts. We have a long history of concern about that kind of evaluation of career department professionals.

And finally I'd say that, after a very divisive campaign, that left a lot of Americans and a lot of communities feeling very wounded and very vulnerable and very set upon, and after a promise that he would be a President for all Americans over and over and over and over again, we're seeing an array of cabinet nominees who run far to the right. And frankly, in many cases, come out of the swamp that the President-elect promised to drain. So, I thank you Chairman for the, I think, thoughtful and fair way in which you have run this hearing. I thought that Senator Sessions handled himself very well by staying until all the questions were answered. I appreciate the procedure that you have gone through, but I did want to make a record of those concerns from our side about the larger process in which these nominations hearings are taking place. And with that, I yield back to you sir.

GRASSLEY:

Thank you. (Inaudible) witnesses and introduce them. I think, so I don't forget it, I promised Senator Coons point of personal privilege on one of the nominations.

COONS:

Thank you Mr. Chairman. I-- I had asked for the opportunity to introduce my friend and colleague Cornell Brooks, but I'm perfectly happy to wait to do so until there are other introductions a foot or to do it right now.

GRASSLEY:

I'd rather have you do it now if you would please.

COONS:

Thank you Mr. Chairman. I'm pleased to introduce Dr. Cornell Brooks, the President and CEO of the NAACP, as one of our many witnesses on this distinguished panel here today. Mr. Brooks has dedicated his entire career to ensuring that Americans truly enjoy the promise of equal protection of the law. Before assuming leadership of the NAACP in 2014, he was head of the Newark, New Jersey based Institute for Social Justice. And fittingly, for a hearing on the nominee to lead the Department of Justice, his early experience was of being a part of the Department of Justice, as a trial attorney, where he secured the largest government settlement for victims of housing discrimination. And filed the government's first lawsuit against a nursing home alleging discrimination based on race.

He was also Executive Director of the Fair Housing Council of Greater Washington, a trial attorney with the Lawyers Committee for Civil Rights Under Law, and a law clerk to the Honorable Samuel J. Ervin III on the Court of Appeals for the Fourth Circuit. He's a fellow alum with Yale Law School, holds a Master of Divinity degree from Boston University School of Theology. He is not just a lawyer and social advocate, but a fourth generation ordained minister in the African Methodist Episcopal Church, a husband and father of two sons. Mr. Brooks, thank you for your leadership in the work of justice throughout our nation and I look forward to your testimony here today.

BROOKS (?):

Thank you, Mr. Chairman.

GRASSLEY:

I'm going to ask you to stand and swear before we -- before I introduce you. Would you raise your right hand?

Will you -- do you affirm that the testimony you're about to give before this committee will be the whole truth -- the truth, the whole truth and nothing but the truth, so help you God?

OK. I noticed that all of you affirmed that. Thank you very much. Please sit down.

The 81st Attorney General of the United States was the Honorable Michael Mukasey. Mr. Mukasey has also served as a U.S. attorney and a district court judge, southern district of New York. We thank him for coming. Our second witness, Oscar Vasquez, he became a citizen of the United States 2011 and served honorably in Afghanistan with the U.S. Army. We welcome you and thank you, obviously, for your military service. Our next witness, Peter Kirsanow is a member of the U.S. Commission on Civil Rights and is very familiar with this committee and we're familiar with you. Thank you for coming. Next is Amita Swadhin, she is a sexual assault survivor and co-founder of Mirror Memoirs. I hope I'm right on that. Welcome to you. Then we have Jayann Sepich, the mother of Katie Sepich. She's the founder of Surviving Parents Coalition.

Our next witness Cornell Brooks, you've heard introduced, but let me further say that he's President of the National Association for the Advancement of Colored People and he's well known to us as well. Thank you for being here today. Chuck Canterbury is the National President of the Fraternal Order of Police. He's familiar to a lot of us as well, so we welcome you. Next we'll hear from David Cole, National Legal Director of the American Civil Liberties Union. He's also a professor at the Georgetown Law Center. We welcome you. And finally, we'll hear from Larry Thompson. He served as Deputy Attorney General under President Bush. As a well known U.S. attorney for the northern district of Georgia, and we welcome back to the committee Mr. Thompson. So, I think we'll start with Mr. Mukasey and we're going to hear testimony from all of you. And then, we'll have questions as I indicated, seven minute rounds. So proceed will you General Mukasey.

MUKASEY:

Thank you. Chairman Whitehouse, Ranking Member -- sorry Chairman Grassley, not yet, right? Chairman Grassley, Ranking Member Whitehouse, members of the committee, this is one of those occasions that's both an honor and a pleasure. An honor to appear before this committee and a pleasure to speak to the qualifications of Senator Sessions to serve as attorney general. I submitted a statement to the committee and I'm happy to answer any questions relating to it or any other subject that the committee thinks that's relevant to passing on the qualifications of Senator Sessions. But, of course I'm here for the convenience of the committee, not simply to orate. And after watching yesterday's hearing, and Senator Sessions responses to the committee's questions, I think the only thing I have to add to what I've already submitted at this point, is to say that the person you saw and heard yesterday is very much the person I came to know beginning in 2007, when I first appeared before this committee. Principled, intelligent, knowledgeable, thorough, modest and thoroughly dedicated to the rule of law and to the mission of the department. which is to enforce the law and to preserve our freedoms. So I thank you very much for hearing me.

GRASSLEY:

Does that complete your testimony?

MUKASEY:

It does.

GRASSLEY:

Thank you. Now, Sergeant Vasquez. Thank you. Please proceed.

VASQUEZ:

Chairman Grassley, Ranking Member Whitehouse, thank you for the opportunity to testify before the committee. My name is Oscar Vasquez and I am proud to be an American. I was born in a small town in Mexico. I was 12 years old when my mother and I boarded a bus to the border. Although I did not make the choice to come to America, this country quickly became my home. As soon as we were settled in America, my parents made sure I was enrolled in school, because they wanted me to understand the value of education. It was at this point that I started to develop a passion for math and science, since the formulas and equations transcended the language barrier. In high school, I joined the JROTC program, where my drill instructors were Vietnam veterans. They thought as a valley of selfless service, whether you able to provide it in the military or not. They wanted us to be better Americans.

I loved the order and discipline and was eventually awarded the JROTC officer of the year. In my sophomore year, soon after 9/11, I saw the Band of Brothers mini series and I knew then, I wanted to join the Army. But when I met with the recruiter, I was told I could not enlist because I was undocumented. I left that meeting not knowing what to do, or what was next. I was devastated. I then had to figure out what else to do with my life. At the beginning of my senior year, I joined the robotics club. Our team of undocumented (ph) students enter a national competition and would design the underwater robot which we named Stinky. Beyond our wildest dreams, my high school

team won the grand prize for the competition, against some of the countries top technical universities.

Winning the competition was proof that we as DREAMers have something to offer to the country we always considered our home. Although I could not contribute to my country by joining the military, I enrolled Arizona State University and decided I could contribute by becoming an engineer. In 2005, I married my wife Carla, a U.S. citizen. She started a process of petitioning for my legal status, but it is the case of many DREAMers there were enormous legal obstacles and substantial risks. While I was a student at Arizona State, the Arizona legislator passed a law prohibiting undocumented citizens from receiving state financial aid and paying the state tuition. Even doors, that I've had in my home for many years and I was married to a U.S. citizen, I was treated like an outsider.

The law tripled my tuition, (inaudible) by working construction, I scraped the money together to pay for college and support my family. I graduated in 2009 with a degree in mechanical engineering. This was three years before the Deferred Action for Childhood Arrivals was established. So even though I had a (inaudible) degree and there were jobs available, no one would hire me in this field because I didn't have legal status. In 2010, after completing a legal process that involved substantial hardship to my family, I was able to get a green card. Having legal resident status changed my life. I was able to get a drivers license, travel freely within the United States and pursue a career in engineering.

The biggest note is -- the biggest note is -- the biggest change that I noticed was the fear. I was no longer afraid of being deported or being forcibly separated from my family. I could also pursue my dream of joining the military and becoming a paratrooper. I enlisted in the United States Army and started basic training in February 2011. I went in to fight for the country that raised me. Saying I love this country wasn't enough. I wanted to let my actions speak for themselves. Shortly before I finished basic training, I became a U.S. citizen. A couple weeks later, I found myself jumping out of a C-130 flying over Fort Benning, Georgia. And a couple months after that, I was deployed to Afghanistan. I look forward to combat because I wanted to protect the United States. Serving in the Army allowed me to contribute fully to this country and make it safer. I was following in the footsteps of countless other immigrants who have proudly served the United States. In Afghanistan, I fought side by side with my Army brothers. We wore the same uniform, wore the U.S. flag on the same shoulder.

It mattered more that we were willing to be there (ph) for each other and for our country than where we came from. To this day, I remember how I felt after our first firefight in Afghanistan. I had put my life on the line for my brothers and for my country and I felt really proud to be an American. I felt then, for the first time, that no one could again question whether I am an American. It has been a great honor to serve my country. My son Oscar Maximus is 4 years old and in preschool. My daughter, Samantha is 8 years old and in third grade. We live outside of Fort Worth, Texas where I volunteer at two different high schools in their respective robotics program. I feel that my family is living the American dream.

But I want to continue serving my country and I will soon join the Army Reserve. I think now about all the doors that were unlocked for me when I became a lawful, permanent resident. The

ability to get the job of my dreams, provide for my family and live without fear. I can't imagine what it will be like to have that taken away from me today. I also can't imagine what it is like today for my former teammates and the nearly 100,000 DACA recipients who do not have a legal status and who are afraid of what could happen to them in a matter of days. Of course, DACA is only a temporary solution and now even that is at risk. I hope that you will not view my story of that as someone exceptional, rather I am where I am today because of the many great people who have believed in me and have given me a chance.

I also want to acknowledge most DREAMers and mostly (ph) undocumented immigrants who do not have a path to legal status right now. I wanted to come here today because our country's top law enforcement officer must be someone who understands that immigrants make our country stronger. Most Americans agree that it's not right to deport someone who was brought here as a child. Deport them to a country that might not even remember. We need an attorney general who will protect American people from those who will do us harm, but who will also show mercy to those who deserve it. Thank you again for the opportunity to testify. I look forward to answering your questions.

GRASSLEY:

Thank you very much, Sergeant.

Now Mr. Kirsanow.

KIRSANOW:

(OFF-MIKE)

GRASSLEY:

Have you pushed the red button? Or whatever color the button is?

KIRSANOW:

Thank you Chairman Grassley, Ranking Member Whitehouse, members of the committee, I'm Peter Kirsanow of the U.S. Commission of Civil Rights and a partner in the Labor and Employment Practice Group of Benesh, Friedlander and I'm here on a personal capacity. Youth commission on civil rights was established pursuant to the 1957 Civil Rights Act to among other things, act as a national clearing house for matters pertaining to denials of equal protection, discrimination and voting rights. And in furtherance of that clearing house function, my assistant and I reviewed the bills, sponsored and co-sponsored by Senator Sessions in his tenure, in the Senate as well as his public activities and actions that are at least arguably related to civil rights.

Our examination found that Senator Sessions' approach to civil rights matters, both in terms of his legislative record and his other actions is consistent with mainstream, textbook (ph) interpretation of rolled in statutory and constitutional authority as well as governing precedent. Our examination also reveals, that Senator Sessions approach to civil rights is consistent, is legally sound,

enrichingly (ph) honest and has appreciation and understanding of the historical basis for civil rights laws. And our examination found that several aspects of Senator Sessions' -- Sessions' -- Senator Sessions' record unfortunately have been mischaracterized and distorted to portray him as somehow being indifferent, if not hostile to civil rights. The facts emphatically show otherwise. Among other things, and this is probably least consequential, Senator Sessions has sponsored or co-sponsored a plethora of bills honoring significant civil rights leaders, events, icons, such as Reverend Martin Luther King, Loretta Scott King, Reverend Shuttlesworth's fight against segregation. Three separate bills honoring Rosa Parks, a Senate apology to the descendants of victims of lynching. A bill to honor participants in the Selma voting rights march. A bill to honor the victims of the 16th Street Baptist Church bombing and on and on and on, but Senator Sessions' commitment to civil rights transcends resolutions in support of civil rights.

He has authored, co-sponsored, or sponsored a number of bills to protect and enhance voting rights. Such as the Federal Election Reform Act of 2001, the Voter Fraud Protection Act of 2009, a number of bills to protect and enhance the voting rights of service members, particularly those serving overseas. He's a strong proponent of religious liberty, having sponsored or co-sponsored several bills to prevent discrimination against the religiously observant and to prevent the government from substantially burdening free exercise of a person's religious beliefs. But in our estimation, his most profound and important impact is on preserving and protecting the rights of American workers, particularly black workers. The employment and wage levels of black workers in America have been abysmal for several decades.

The labor force participation rate for black males, 61.8 percent and following. The unemployment rate for black males has nearly doubled that of white males. Evidence introduced (ph) before the U.S. Commission on Civil Rights shows that 40 percent of the 18 point decline in black employment levels is attributable to government failure or refusal to enforce existing integration laws. And this has a cascade effect by increasing the competition within the unskilled and low skilled marketplace, driving out black workers, slashing wages, particularly among black males. And this has resulted in hundreds of thousands, if not slightly over 1 million blacks having lost their jobs, directly due to this phenomenon, and it has broader sociological implications as well, related to incarceration and family formation rates.

No one has been more committed or engaged than Senator Jeff Sessions in protecting and enhancing the prospects of black workers in America. But for his emphatical efforts in this regard, the plight of black workers now and in the immediate future and the foreseeable future will be demonstratively worse. His leadership on this matter, and his leadership on sub-committee, on immigration and the national interests has been key to restoring an even deeper downward trajectory for black workers in this country. And I'll conclude Mr. Chair by simply, respectfully offering that his record on civil rights legislation, his actions as a U.S. attorney and state attorney demonstrate an unwavering commitment to equal protection under the law, and a genuine fidelity to the rule of law that should make him an outstanding attorney general. Thank you Mr. Chairman.

GRASSLEY:

(OFF-MIKE)

SWADHIN:

I'm not sure if this is working. Great.

Good morning. My name is Amita Swadhin, I am a resident of Los Angeles, California, born in Ohio to two immigrants from India and raised in New Jersey. And I'm grateful to Chairman Grassley, Ranking Member Whitehouse and members of the committee for the opportunity to be here today. In October, miked (ph) tapes were released of President-elect Trump describing forcibly kissing women and grabbing women by the genitals. In the wake of these comments becoming public, Senator Sessions was quoted stating, "He doesn't characterize that behavior as sexual assault." Millions of sexual assault survivors were triggered in the wake of these events. I was one of those survivors. My father raped me at least once a week for age four to age 12.

I endured psychological, verbal and physical abuse from him for years. I also grew up watching my father abuse my mother in a textbook case of domestic violence and marital rape. When I disclosed the sexual abuse to my mother, at age 13, she called a therapist engaging mandating reported -- mandated reporting. The prosecutors threatened to prosecute my mother for being complicit. They told me I would be harshly cross-examined by the defense attorney, and did not connect me to any victim support services. I was too afraid to tell them my story. My father received five years probation and no jail time and his violence continued for two years, until my mother finally found the support to leave him.

I am here today on behalf of rape and sexual assault survivors to urge you not to confirm Senator Sessions as attorney general. As a publicly out survivor of child sexual abuse, many people have downplayed the impact of this violence on my present day life. I live with complex post traumatic stress disorder, and struggle everyday to be well. It directly and negatively impacts me when people minimize sexual assault. So to hear Senator Sessions initially say President- elect Trump's comments do not constitute sexual assault, and then to consider him leading the Department of Justice has been incredibly worrisome. I am unfortunately far from alone in my experience. More than 320,000 Americans over age 12 are raped or sexually assaulted every year. One in four girls and one in six boys will be sexually abused before age 18.

These are public health issues occurring in the private sphere. In 80 percent of adult sexual assaults, and 90 percent of cases of child sexual abuse, victims know and trust our perpetrators. For this reason, most victims of violent crime never seek healing or accountability from the state. Most violent crimes remained unreported. Thankfully we have improved the response of the criminal justice system with the creation of the Violence Against Women Act in 1994. The stock (ph) formula grants under VAWA provide training to judges, prosecutors and police officers and other law enforcement personnel to better support survivors. In 1991, the police did not contact victim services for me, but today thanks to VAWA, law enforcement is encouraged to provide victims and advocates to support them in breaking their silence. Yet despite this progress, rape, sexual assaults and domestic violence still happen at epidemic rates and survivors at the intersections of oppression are especially vulnerable.

LGBT people and particularly transgender women of color are disproportionately victimized. One in two transgender people will be raped or sexually assaulted in their lifetime. Furthermore, the

majority of hate violence homicide victims are transgender women. In fact, only 11 days into the new year, two transgender women of color have already been murdered, Misha Caldwell (ph), an African-American transgender woman from Mississippi and Jamie Lee Wounded Arrow (ph), a two spirit Oglala Lakota woman from South Dakota. We need an attorney general who is committed to improving and enforcing our laws to ensure the most vulnerable victims of crime can come forward to seek accountability and to access healing.

Time and again, Senator Sessions voting record has shown us he is not the man for the job. Despite his claim to be a champion for victims of violent crime, he has not been a friend to vulnerable survivors. While Senator Sessions voted in favor of the Violence Against Women Act in the bill's early years, when VAWA was expanded in 2013, to ensure LGBT, immigrant and tribal populations of domestic violence and sexual assault survivors are protected and have access to services. Senator Sessions voted against the bill. We must trust the attorney general to enforce and apply our laws fairly, per our Constitution's provisions on equal protection. We must trust the attorney general to respect the humanity of all Americans, and especially to be committed to seeking justice for our most vulnerable victims of crime.

Given his voting record on VAWA and on LGBT rights, we have no reason to put our faith or our trust in Senator Sessions as attorney general. In conclusion, I want to emphasize that members of the National Task Force to End Sexual and Domestic Violence, including but not limited to the National Coalition Against Domestic Violence, the YWCA, the National Council of Jewish Women, UGEMA (ph), the National Center on Violence Against Women in the Black Community, the National Alliance to End Sexual Violence, the National Coalition of Anti-Violence Programs, Break the Cycle, and Jewish Women International opposed Senator Sessions nomination because of the issues I am raising today. Thank you.

GRASSLEY:

Thank you very much. And now we'll go to Ms. Sepich.

SEPICH:

Good morning Chairman Grassley, Ranking Member Whitehouse and members of the committee. My name is Jayann Sepich and thank you for the opportunity to testify today in support of the nomination of Senator Sessions as Attorney General of the United States. In 2003, my daughter Katie, a vivacious 22 year old graduate student was brutally raped, murdered and set on fire. It is never easy to lose a child for any reason, but the pain and horror of losing our daughter in this violent manner is beyond description. No suspects emerged in Katie's case, but Katie fought for her life and underneath her fingernails were found the blood and skin of her attacker, and a DNA profile was extracted and uploaded into the National Forensic DNA Database called CODIS. I made the comment to the investigators that the man who had killed Katie was such a monster that surely he would be arrested for another crime. His cheek would be swabbed and we would soon know his identity and he would not be able to harm another woman. That's when I learned it was not legal in New Mexico, my home state, or in most states to take DNA at the time of felony arrest. It could only be taken after conviction.

I was stunned. We don't use DNA to accurately identify arrested for serious crimes. We release them from law enforcement without a check of the DNA database for a possible match to other unsolved crimes. We collect fingerprints, mug shots, and check what other crimes a person may have been involved in but we do not collect DNA. After considerable research, I became a national advocate for the collection of DNA upon arrest. My husband and I started the non-profit association DNA Saves. We know we can't bring Katie back, but we absolutely believe that we may be able to prevent new crimes. Prevent this horrible pain from being visited on other families, by advocating for laws that allow for the collection of DNA from persons arrested for serious crimes. To date, 30 state legislatures in the United States Congress have enacted laws requiring that a DNA sample be taken for qualifying felony arrests.

In June 2012, the United States Supreme Court upheld these laws, ruling that taking DNA at the time of booking for a felony arrest is a legitimate police booking procedure that is reasonable under the Fourth Amendment. Senator Sessions helped craft the legislative language that became the DNA Fingerprint Act, to provide federal authorities with the authorization to collect DNA from arrestees. In 2008, Senator Bingaman, along with Senator Schumer as original co-sponsor introduced the Katie Sepich Enhanced DNA Collection Act, which was passed in 2012. This federal law provides additional funding to the Debbie Smith Backlog Elimination Act to those states who have enacted laws to expand their databases. Once again, as a judiciary committee's ranking member during that time, in which this legislation was pending, Senator Sessions played a significant role in helping us to craft a bill that would gain bipartisan support and eventually pass Congress unanimously.

As a result of stronger state and federal DNA database laws, we have seen many heinous criminals identified through arresting DNA testing. My home state of New Mexico has seen over 1,200 cases matched. California has seen 10 cases matched everyday on their DNA database. The Alabama Department of Forensic Sciences remains one of the most successful programs in the country and they credit Senator Sessions for most of the success, largely due to the support he's provided from the outset of the state's forensic DNA program during his term as Alabama Attorney General. Alabama has utilized the DNA database to solve over 6,500 previously unsolved cases. In Katie's case, after more than three long years, DNA finally identified Gabriel Avila as Katie's killer. But he would have been identified after only three months, if law enforcement had been permitted to collect DNA at arrest.

Over the past 11 years, our family has worked to change DNA laws across the country. We have been supported by lawmakers of both parties. We have also seen opposition from both Republicans and Democrats. Forensic DNA is a very complex issue and it is vitally important that policy makers take the time to fully understand these complexities in a truly non-partisan manner. Senator Sessions has done that. And with that understanding, he has stood in strong support of the use of forensic DNA to both identify the guilty and exonerate the innocent. He knows that when a DNA match is made on CODIS, it is completely blind to race, ethnicity and social economic status. DNA is truth. It is science. Senator Sessions said in a 2002 floor speech, we are spending only a pittance on getting our scientific evidence produced in an honest and effective way.

As a result justice is being delayed and justice delayed is justice denied. I believe that Senator Sessions is committed to that philosophy that it is the core responsibility of our government to

protect public safety. He cares about victims. He has been a leader on forensics policy for years and consistently has supported vital funding for DNA. In conclusion, our lives were shattered was brutally murdered. We know intimately the pain that violent crime brings to families. Senator Sessions has shown he understands the pain of victims and has put that understanding into action to help make changes that will make a difference. Senator Sessions will provide strong leadership to the United States Department of Justice and I hope you will support his nomination for attorney general. Thank you.

GRASSLEY:

And thank you Ms. Sepich. Now, Mr. Brooks.

BROOKS:

Good morning, Chairman Grassley, Ranking Member Whitehouse and esteemed Senators of this committee. My name is Cornell William Brooks, I serve as President and CEO of the NAACP. I greatly appreciate the invitation to testify before you today to express the deep concerns of the NAACP regarding the nomination of Senator Jefferson Sessions to be U.S. Attorney General. As you well know, the attorney general is the chief law enforcement officer of the United States. Particularly for such a time as this, with racial divisions deepening, hate crimes rising from sanctuaries to school yards with state imposed, racially motivated voter suppression spreading in state legislatures as well as being struck down in federal courts, with police involved shootings reduced to (inaudible) homicides and viralized videos.

It is critical that this committee closely examine Senator Sessions entire record as a prosecutor and as a legislator, to determine whether he is fit to serve as the chief enforcer of our nation's civil rights laws. Based upon a review of the record, the NAACP firmly believes that Senator Sessions is unfit to serve as attorney general. Accordingly, we representing multiple civil rights and human rights coalitions we urge this committee not to favorably report his nomination to the full Senate. As our written testimony details, Senator Sessions record reveals a consistent disregard for civil and human rights of vulnerable populations, including African- Americans, Latinos, women, Muslims, immigrants, the disabled, the LGBT community and others. Further his Senate voting record reflects a fundamental disregard for many of the Department of Justice's programs which are vital for the protection of Americans.

Senator Sessions votes against the Hate Crimes Prevention Act of 2000, 2002, 2004, 2007 and 2009 and the Violence Against Woman Act in 2012 and 2013, demonstrate a disturbing lack of concern regarding violent crimes, rape, assault, murder committed against minorities and an American majority of women. These crimes in particular make victims of individuals as well as the groups to which they belong and the American values we cling to. His opposition to the Lilly Ledbetter Fair Pay Act indicates a hostility to the claims of employment discrimination and more specifically to allowing legal redress for paid discrimination against women. This consistent opposition to any meaningful gun control, shows an unwillingness to stand up to the firearms lobby and a lack of concern regarding the destructive impact of gun violence on our children and communities.

His failure to condemn the President-elect's call for an unconscionable and unconstitutional ban on Muslim immigrants, as well as his opposition to his Senate resolution condemning a government imposed litmus test on a global religion, evidences an unwillingness to protect the rights of the vulnerable and the unpopular, which is something that an attorney general must do. His call for the reevaluation of a basic constitutional principle, that persons born in this country, are citizens of this country, reflects a form of unconstitutional xenophobia that is fundamentally inconsistent to the duty of the attorney general to protect the rights of all Americans. His calling into question the legitimacy of consent decrees causes us to question whether he will use this powerful tool to hold accountable police departments, such as Ferguson, that engaged in predatory policing and a pattern and practice of discrimination.

With his consistent support for mandatory minimums, as a prosecutor and a legislator, he stands in opposition to bipartisan efforts to bring to an end this ugly era of mass incarceration, with 2.3 million Americans behind bars, with overpopulated prisons and jails and depopulated families and communities. It is Senator Sessions' record on voting rights, however, that is perhaps the most troubling. As this committee is well aware, of the infamous Marion Three Case, in which civil rights activists were prosecuted by then U.S. Attorney Sessions for voter fraud, all of whom were acquitted by a jury in less than four hours on 29 counts. This chilling prosecution against innocent civil rights workers, who were later given gold medals by Congress, painfully reverberates in the hearts of black voters in Alabama and the history of this country. Senator Sessions' record of prosecuting so called voter fraud and both intimidating and suppressing voters then is now reflected in a legislative record of supporting voter ID requirements that suppress votes based on the myth of voter fraud today.

His record of vote suppressing prosecution is connected to a record of vote suppressing legislation today. Rather than condemn, he's commended voter ID laws like that is own state of Alabama affecting a half million voters. Similar to laws struck down in Texas and North Carolina in the fourth and fifth circuits. If we could imagine, a Senator Sessions leading a Department of Justice and Michael Brown's Ferguson, Freddie Gray's Baltimore, towns with rising hate crime, communities of vulnerable population -- populations and a democracy divided by voter suppression in his twitter -- civil rights -- twitter a civil rights movement. We can imagine that. Imaging that, we must face the reality that Senator Sessions should not be our attorney general. With that said, thank you for this opportunity to testify. I welcome your questions.

GRASSLEY:

(OFF-MIKE)

CANTERBURY:

Good morning, Mr. Chairman, Ranking Member Whitehouse, distinguished members of the committee and of course my own Senator Lindsey Graham. My name is Chuck Canterbury, the National President of the 330,000 rank and file police officer organization. I'm very pleased to have the opportunity to be here today to testify before this committee. I've testified before on cabinet nominations, agency head nominations and even a nominee for the Supreme Court of the United States. I can say without reservation, that I've never testified with more optimism and

enthusiasm as I do today for Senator Jeff Sessions. We wholeheartedly support his position and nomination as Attorney General of the United States. Following the news that President-elect Trump intended to tap Senator Sessions, we immediately issued a statement to the press indicating our strong support for his nomination.

He's been a true partner to law enforcement in his time as a U.S. attorney, Attorney General for the state of Alabama and throughout his tenure in the United State Senate. Senator Sessions is demonstrated commitment, not just to so-called law and order issues, but also to an issue very important to my members, officer safety. He was the leading co-sponsor of the FOP's efforts to enact the Law Enforcement Officers Safety Act, which was authored by our friend and former chairman of this committee Senator Leahy. In 2010, Senator Sessions was the Republican lead co-sponsor of S.1132, the Law Enforcement Officers Safety Act improvements, which made important and needed changes to the original law. He has provided true leadership in this successful and bipartisan effort.

More recently, Senator Sessions was deeply involved in the passage of S.2840, the Protecting Our Lives by Initiating Cots Expansion Act. He helped build bipartisan support for the legislation, which passed the Senate and then the House before being signed into law by the President. That law gives the Office of Community Ordinance Policing Services, the authority to award grants to state, local and tribal law enforcement agencies to get active shooter response training for their officers. The need for this training is obviously been identified by numerous law enforcement leaders and by the FOP. Senator Sessions played a key role in the efforts to pass the Fallen Hero Flag Act. The bill which provides a flag to be flying over this Capital to surviving -- to be provided to surviving members of public officers killed in the line of duty.

Now this may not sound like much to you, but in a time when officers are being assassinated at the highest rate since the '70s and officers being assaulted at record rates, officers in the field want to know who has my back. Who will protect me while I protect my community? Bills like this, which acknowledge and respect the sacrifices -- sacrifices made by the rank and file truly resonate with my members and with the public safety community. Members of the committee may remember that years that were spent trying to do away with the disparity between the sentencing on the possession of crack cocaine versus powder cocaine. There was a considerable gulf between the position of the FOP and many members of this committee. But in 2001, Senator Sessions introduced a bill to address this issue and he worked tirelessly to bring it together.

He made sure the voice of law enforcement was heard and also asserted his belief that the disparity, as existing in the current law, was unjust. In 2010, as a ranking member of this committee, he brokered to compromise that led to the passage, with our support of the Fair Sentencing Act. We accepted that compromise because it was fair, it was just and it reflected the perspective of law enforcement and the law enforcement community. The importance of his direct role on this issue cannot be overstated. Without Jeff Sessions, I believe we might be here today still trying to remain unsolved. That said, I understand that there's a certain amount of partisanship and it's expected in these nomination hearings. But I ask all the members of this committee, to recollect Senator Sessions has worked in a bipartisan manner on many issues, officer safety issues with the FOP and members of the left.

More than many times that I've been here, has Senator Sessions been one of the sole members to stand up for law enforcement, especially when it came to the issue of asset forfeiture. Without his leadership, the support in the Equitable Sharing Program may have been dismantled. For us, that demonstrates that Jeff Sessions is a man who can reach across the aisle to get things done for the rank and file officer and to protect the citizens of this country. Senator Sessions has worked tirelessly and faithfully for the majority of his adult life. He is above all, a man who reveres the law and reveres justice. I believe he will be an exemplary attorney general and we urge you to move this nomination forward to the Senate for passage. Thank you sir.

GRASSLEY:

Thank you Mr. Canterbury. Now Mr. Cole.

COLE:

Thank you for inviting me to testify. The ACLU is a non-partisan organization with a long standing policy of neither endorsing nor opposing nominees for federal office. We rarely testify in confirmation hearings as a result. We do so today, because we believe Senator Sessions' record raises serious questions about the fitness of -- of Senator Sessions to be the attorney general for all the American people. We take no position on how you should ultimately vote, but we urge you to painstakingly probe the many serious questions that his actions, words and deeds raise about his commitment to civil rights and civil liberties. Our concerns arise from his conduct as a prosecutor and from his record as a Senator. As a prosecutor, when he exercised the power to prosecute, the most powerful -- the most serious power that any government official in the United States exercises, he abused that power.

Cornell Brooks has already talked about his prosecution, ultimately baseless of civil rights heroes for seeking to increase the black vote in Alabama. He didn't investigate those who sought to help white voters in Alabama, but he did investigate and prosecute those who sought to aid black voters. Many of the charges in that case were dismissed before they even went to the jury because they were baseless. The jury then acquitted of all the charges. In a second case, the Tyco (ph) case, Senator Sessions collaborated with campaign contributors to his senatorial campaign, to use the office of the criminal prosecutor to intervene in a private business dispute, on behalf of his campaign contributors. He filed a 222-count indictment against Tyco (ph), a -- a -- a engineering supply service -- corporation. All charges in the case were dismissed. Many were dismissed because, again, they were baseless, there was no evidence whatsoever to support them. The others were dismissed on grounds of prosecutorial misconduct and the judge who dismissed them said this was the worst case of prosecutorial misconduct he had seen in his career on the bench.

Mr. Sessions successor, Mr. Pryor did not even appeal that decision. So those actions raise serious questions about his fitness to become the most powerful prosecutor in the land. Second, his record as a Senator. Here he has shown blindness or outright hostility to the concerns of the people who's rights he will be responsible to protect. On voting rights, he supported felon disenfranchisement laws and voter ID laws that suppressed the black vote. When the Supreme Court gutted the single most effective provision of the Voting Rights Act, the most important statute in getting -- African-Americans the right to vote in this country, Senator Sessions called that a good day for the south.

On religious tolerance, he called Islam a toxic ideology. It is in fact a religion practiced by millions of Americans. Imagine if he called Christianity a toxic ideology. Now, he says he opposes a Muslim ban on entrance to the United States, but when Donald Trump proposed that, he stood up and opposed a resolution introduced here in the Senate to keep religion out of immigration decisions.

On women's right, now he says that grabbing women's genitals is sexual assault. But when Donald Trump's tape recording, bragging about his doing precisely that was made public, Senator Sessions said, and I quote, "I don't characterize that as a sexual assault. That's a stretch." When he voted against extending the hate crimes law, to crimes motivated by gender and sexual orientation, he said, and I quote, "I am not sure women or people with different sexual orientations face that kind of discrimination. I just don't see it." Well if you don't see discrimination, you can't very well enforce the laws against discrimination. On torture he now says, that torture, water boarding is illegal, but he praised Michael Mukasey for not ruling out water boarding. And he opposed Senator McCain's amendment which was designed to make it clear that water boarding was illegal.

On criminal justice he is an outlier, departing even with many of his Republican colleagues who seek to make the criminal justice system more fair and less harsh. If someone applying to intern for one of your offices had as many questions in his record as Senator Sessions has, racist comment, unethical conduct, padding of his resume, you would not hire him, absent the most thorough investigation and inquiry, if then. Senator Sessions is not seeking to be an intern. He's nominated to be the most powerful law enforcement officer in the nation. The Senate and more importantly the American people deserve satisfactory answers to these questions before Senator Sessions is confirmed. Thank you very much.

GRASSLEY:

Thank you Mr. Cole. Now Mr. Thompson.

THOMPSON:

Chairman Grassley, Ranking Member Whitehouse and other members of this distinguished committee, I appreciate the opportunity to appear before you in support of the nomination of Senator Jeff Sessions to be Attorney General of the United States. I want to add this morning, a bit of a personal perspective on Senator Sessions. I've known Senator Sessions for over 30 years and I am honor to consider him a good friend. Over the years, we have talked frequently, had dinners together and enjoyed each other counsel and support. When I first met Senator Sessions, he was the United States attorney in Mobile and I was the United States attorney in Atlanta. In order to stretch our limited government per diems on travel to Department of Justice conferences, we sometimes shared a room together. We were simply two young prosecutors trying to save money.

In 1982, when I was asked by Attorney General William French Smith, to head the Southeastern Organized Crime Drug Enforcement Task Force, simply because of the strategic location in Atlanta, where my office was, a delicate situation was represented. The task force consisted of 11 other United States attorney offices, but any potential problem was avoided because my friend, Senator Sessions rallied the other United States attorneys around our common cause and my

leadership. Senator Sessions had a lot to do with the success of the task force under my leadership. Senator Sessions was highly thought of by his colleagues and -- and served on the prestigious Attorney General's Advisory Committee. Membership to this committee is by invitation only. I thought about this a lot and can identify for you without any equivocation whatsoever, three things in which the Senator will lead the Department of Justice.

First, Senator Sessions will vigorously, but impartially enforce our laws. Senator Sessions has a strong record of bipartisan accomplishment on criminal justice matters. He also understands the importance of what former Attorney General Robert Jackson said, about what constitutes a good prosecutor. That being one who displays sensitivity to fair play and who appreciates his or her tasks with humility. Next, Senator Sessions will continue to make certain that the traditional role of federal law enforcement is carried out with vigor, effectiveness and independence. The Department of Justice under his leadership will attack such critical crime problems, as complicated fraud schemes by individuals and organizations, civil rights violations, serious environmental violations, terrorism and espionage. Finally Senator Sessions will seriously look at the role of federal law enforcement to help our citizens achieve a greater sense of personal safety in their homes and neighborhoods.

This will be especially important for some of our minority and low income citizens against whom violent crime has a disproportionate impact. Of all our important civil rights, the rights to be safe and secure in one's home and neighborhood is perhaps the most important. We all know that Senator Sessions has strongly but honestly held political and policy views. But the Senator also has a record of bipartisan leadership in the Senate, especially on criminal justice issues. We talked yesterday, a great deal, was presented to the committee on Senator Sessions' effort under the Fair Sentencing Act of 2010 and his work with Senator Durbin on that important legislation. It's interesting as I, as the Deputy Attorney General of the United States in the Bush administration, I opposed this legislation.

Senator Sessions was right and I was wrong. A son of the south who has had up close experiences with our great civil rights movement, Senator Sessions is not oblivious to the fact that we have more to do in the area of racial equality. He noted in a speech praising the foot soldiers of the civil rights movement, that more needs to be done, we need to join closer hands. So, as a lawyer myself, who has spent a fair amount of time during my 43 year legal career, supporting diversity in our great profession and equal rights, this statement touched me greatly. Because, it reflects the man I have known for over 30 years and who I'm proud to call my friend. Senator Sessions deserves confirmation as our next attorney general. Thank you.

GRASSLEY:

Thank you. We'll have seven minute rounds now. And I'm going to start with General Mukasey. Senator Sessions, himself, has noted the attorney general is not the President's lawyer. In your opinion, would Senator Sessions have the independence and of course the ability to say no the President if they disagree?

MUKASEY:

Absolutely, and I think he made that both clear and explicit yesterday, saying that if necessary the alternative was to resign.

GRASSLEY:

Also to you, we heard Senator Sessions testify yesterday about the appropriate scope of communication between the White House and the Department of Justice. He said he thought that there was merit in your December 2007 on that topic. So could you tell us what you believe the merits of your approach to be, which would be your explaining in further detail what Senator Sessions said yesterday.

MUKASEY:

OK. What's in the memo is, the contact between the White House and the Justice Department is limited to the attorney general and the deputy attorney general, with a couple of exceptions. Those exceptions are pending legislation, which is the subject of communication between lower level people and the White House and people in the office of legal policy and other routine budget matters. Other than that, there is to be no contact between anyone at the Justice Department and anyone in the White House. And if anybody gets such a call, they are instructed that the polite response is thank you very much, I'll refer you to the person who can respond to you.

GRASSLEY:

OK. Mr. Thompson, you've known Senator Sessions for 35 years and in that time you worked very closely with him. So you've already said something about your service together, but could you tell us about that service in more detail than you did in your opening statement?

THOMPSON:

Yes, Senator Grassley. I've known, as I said, Senator Sessions for a number of years. He has a great deal of respect for the Department of Justice. He had been an Assistant United States Attorney when I'd met him. He had already been promoted to become the United States attorney. He's a fine lawyer, was a very effective prosecutor, but has great fidelity to the principles of fair prosecution in the traditions of the Department of Justice.

GRASSLEY:

And would you, knowing him as you do. Would you say that he's going to be that independent head that we expect of the Department of Justice?

THOMPSON:

Absolutely. I would expect Senator Sessions to understand and appreciate and to practice the traditional independent role of the Department of Justice. And he would be an attorney general, I think, that all the Senators on this committee would be proud of.

GRASSLEY:

Further, since you know him. How do you think he would fair standing up to a strong willed President, who wants to take certain actions that Senator Sessions in his capacity as attorney general may not feel, that would feel would be inappropriate?

THOMPSON:

That's a good question. As I said, Senator Sessions is not only an experienced prosecutor, but he's a mighty fine lawyer. He would understand his role to counsel the President and to bring the President around to what position is appropriate. But he, at the end of the day, would be independent if the President insisted upon doing something that was inappropriate.

GRASSLEY:

Mr. Canterbury, of course you're no stranger to these, sort of, attorney general hearings. You testified in support of Attorney General Eric Holder eight years ago, reflecting on the last eight years of leadership of the Department of Justice from the perspective of arguably the largest law enforcement advocacy group. How did DOJ fair? And how might it be different if the person you're supporting today were attorney general?

CANTERBURY:

Senator, it's our position that we have to work with whoever is in that office. And we have historically worked with every attorney general, personally I've worked with every attorney general since Janet Reno. And we believe that with Senator Sessions, the communications, the lines of communications will be more direct than they have been. We've had good success with career employees at DOJ. They're very professional. We believe it's an outstanding organization. But we also believe, with Senator Sessions, information and the knowledge that he's had from serving on this committee, he'll be able to serve us well in the area of criminal justice with reform efforts and with training and equitable sharing and those types of things. We feel that communications will be excellent with Senator Sessions.

GRASSLEY:

Another question for you. The Sheriff's Association at the national level recently noted that in the past year, this country has seen the highest number of law enforcement fatalities in five years, including 21 officers who were ambushed, shot, and killed. If confirmed for the position of attorney general, what steps do you think that Senator Sessions could take to reverse the trend?

CANTERBURY:

First and foremost, we believe that Senator Sessions, as attorney general, will not speak out on incidents that arise before a thorough and -- and -- and full investigation. And we believe that the anti-police rhetoric comes from people that make comments without knowledge of the situation and prior to the facts being released to the media, and so, we believe that there will be a much

more positive tone about reconciliation. Nobody in this country wants our communities and police to reconcile more than my members Senator.

GRASSLEY:

Mr. Kirsanow, Senator Sessions has received some criticism for his enforcement of voting rights while he was a federal prosecutor and Alabama attorney general. Would you evaluate Senator Sessions record on voting rights? This will probably have to be my last question.

KIRSANOW:

Thank you Mr. Chair. I'd be happy to. I've heard testimony and I've heard media reports with respect to cases related to voting rights that Senator Sessions was prosecuting. And if he had failed to prosecute the Perry County case, that would have been an extraordinary dereliction of duty. I would advise everybody who's interested in facts as opposed to optics to read the indictment, read all the available pleadings, read all of the contemporaneous reporting and you will have wasted about two days doing so, as I did. The multi count indictment, if you go through it, details in excruciating detail all of the violations here. If you look at the facts of the case, what happened is you had two separate factions of black Democrats in Perry County who were vying for seats.

One faction went to the attorney -- U.S. attorneys office and said, wait a minute here, we believe there's rampant voter fraud going on here. And in fact, if you look at the FBI's affidavit related to this, they found 75 forged signatures on absentee ballots. There were multiple counts where individuals who were part of, who were candidates, were taking absentee ballots, changing them, altering them or filling them out on behalf of individuals and then giving them to the elections board. One family had a candidate, for whom they voted who was their cousin. All six members testified that their ballot, none the less, was checked for the other person and they said it was false. There was copious evidence that, in fact, there was voter fraud in fact that it occurred. Now, it is true, these people were acquitted. But we've seen this circumstance before.

The person who literally wrote the book on voter fraud prosecutions, Craig Don Santo, he's legendary head of the former -- former head of Public Integrity Unit of DOJ was the man who told Senator Sessions, go forward with this. He surmised as did many other contemporary witnesses is that this was a classic case of voter nullification. I think as he testified, or he indicated that this is a matter in which there was no way in the world, a jury was going to convict these individuals, who were in fact civil rights advocates. The facts of the case established that had a prosecutor not taken this and pursued this, there would have been some serious questions about his integrity.

GRASSLEY:

Senator Whitehouse.

WHITEHOUSE:

Thank you Chairman. Mr. Canterbury, I was my state's attorney general and Rhode Island is one of the states where the attorney general has full prosecuting authority. There are only three. So I

worked very closely with my police department, I was always my state's United States attorney, in that capacity worked very, very closely with police chiefs. My experience was that a police chief in Providence, which is say urban good size city, and a police chief in small coastal Merganser (ph), Rhode Island would have very different law enforcement priorities. And that it, in my view, is appropriate for a police chief to be able to pursue their own law enforcement priorities within their communities. Would you agree with that?

CANTERBURY:

Yes, Senator. I mean, the same thing with sheriffs. Constitutionally elected officers, their going to police their communities as they think they need to be policed and set priorities that way.

WHITEHOUSE:

And an important part of that for a police chief, is to maintain the kind of community relations between the department and the community that support effective pursuit of those law enforcement priorities. Is that not the case also?

CANTERBURY:

I don't think it's any different in a city with five police officers than it is in Providence. Where ever you are, community relations is the key to -- to successfully perform in our job.

WHITEHOUSE:

And it's going to be different in different communities. The method is going to be different of effective community relations in different communities.

CANTERBURY:

It can be. Yes sir.

WHITEHOUSE:

And so, would you agree for the Department of Justice to try to dictate what local law enforcement priorities should be? Or how a police department should chose to deal with its community could be a stretch too far?

CANTERBURY:

In -- in matters of law, no, but in matters of policy and procedure, yes sir. I would agree with you.

WHITEHOUSE:

And prioritization as well correct?

CANTERBURY:

Absolutely.

WHITEHOUSE:

The reason I asked that, is that one of the concerns that I've heard from Rhode Island police chiefs has been that a relentless or unthinking pursuit of very low level immigration violations could disrupt everything from orderly community relations with a Latino community to even ongoing significant gang investigations. In which cooperators might get, lose their willingness to cooperate if somebody came in and decided to try to deport their mother. My point isn't that one is right and the other is wrong. My point is decision at the community level as to priorities and to maintaining community relations is an important one, correct?

CANTERBURY:

Yes, sir, it would be, but to cut more to the core of what I think you're asking, sanctuary city decisions are usually made by politicians and not police chiefs, and very rarely...

WHITEHOUSE:

Sanctuary city, in fact, is not even a legal term, is it?

CANTERBURY:

And -- and very rarely should law enforcement officers make those decisions. As you know, senator, politicians pass the laws and we're charged with enforcing them, not -- don't necessarily have to agree or disagree with them.

WHITEHOUSE:

And in doing so, you do establish law enforcement priorities.

CANTERBURY:

Yes, sir, we would.

WHITEHOUSE:

You don't put people out on the street to do jaywalking. You go after murders first. You go after robberies first. That's standard law enforcement practice, correct?

CANTERBURY:

Emergency protocol requires the highest level of crime first and -- and down from there.

WHITEHOUSE:

Down from there. Mr. Thompson, Mr. Canterbury said earlier something that I agree very much with, which was to applaud the career employees of the Department of Justice and to say that right now the Department of Justice was an outstanding organization.

You and I and others have served as United States attorneys. What do you think about the career attorney core of the Department of Justice?

THOMPSON:

Well, the career attorneys at the Department of Justice through my years of experience, Senator, like yours, these are very good lawyers. They are dedicated to law enforcement. They're dedicated to the work of the Department of Justice.

I've had nothing but positive experiences in my years at the Department of Justice and in dealing with the Department of Justice as a defense lawyer.

WHITEHOUSE:

Should a career attorney in a new administration be punished for following properly the policy direction of a previous administration?

THOMPSON:

I -- I don't actually think a career attorney should be punished for anything other than not doing his or her work.

WHITEHOUSE:

Clearly a career attorney shouldn't be judged on whether they are secular or religious in their lives, correct?

THOMPSON:

Absolutely not.

WHITEHOUSE:

OK. Mr. Brooks, the Sessions candidacy has achieved expressions of support from people like David Duke and from what's described as a white supremacist neo-Nazi news site called the Daily Stormer, whose site founder wrote that the Sessions appointment was like "Christmas. Basically we are looking at a Daily Stormer dream team in the Trump administration."

Now you can't fault a nominee for the people who choose to be enthusiastic about his candidacy. This is not, obviously, Senator Sessions' fault, but do you believe that he has distinguished himself

away from whatever the causes are for that support so that you feel comfortable going forward that he has addressed that?

BROOKS:

Based on the record, I do not believe that the Senator has sufficiently described a Department of Justice fully committed to enforcing the nation's civil rights laws, where we have hate crime rising, most of which is perpetuated not in bars, not in streets, but in K through 12 schools.

Speaking against hate crimes, making it clear that you're going to prosecute hate crimes, making it clear that you're going to enforce the nation's civil rights laws, voting rights, the Voting Rights Act to the full measure in a full-throated way. I do not believe we have heard that.

So he is not responsible for who endorses him, but he is in fact responsible for what he endorses and his vision for the Department of Justice.

WHITEHOUSE:

Thank you, Chairman. My time has expired.

GRASSLEY:

Thank you, Senator Whitehouse. Now Senator Hatch.

HATCH:

Thank you, Mr. Chairman. General Mukasey, welcome back to the Judiciary Committee. You became attorney general after nearly two decades as a federal district court judge. The current attorney general had nearly two decades of experience as a federal prosecutor.

Jeff Sessions will become attorney general after two decades as a U.S. senator. No matter where an attorney general comes from, he or she has the duty described yesterday by one of my Democratic colleagues as "enforcing the law fairly, evenly and without personal bias."

You were here yesterday and heard as I did the repeated suggestion that Senator Sessions would not be able to enforce the law personally that he personally disagrees with. Do you agree that someone's political party, general ideological perspective or personal opinions do not by themselves mean that he or she cannot be impartial and fair?

MUKASEY:

I -- I certainly agree that a person's political background does not disqualify that person from enforcing the law and does not disable that person from enforcing the law. I think Senator Sessions made it entirely clear that he understood the difference between advocating a position, on the one hand, as a legislator, and the oath that he takes to enforce the law on the other.

He was very clear, very precise about that, and I think everybody who passes from one status to another -- be it from a judge to attorney general, be it from a lawyer to a judge -- understands that they are changing their responsibilities, and he's not alone in -- in that, but he certainly is very much allowed to it.

HATCH:

How confident are you that Senator Sessions, a conservative Republican senator, will enforce the law fairly, evenly and without personal bias?

MUKASEY:

I think his statement's yesterday make it entirely clear that he understands his responsibility to do that, and I see no reason why he won't do it.

HATCH:

Mr. Kirsanow, in his written testimony, Mr. Brooks argued that Senator Session lacks the judgment and temperament to serve as attorney general. Even more, he questioned whether Senator Sessions would actually prosecute hate crimes. I'd welcome your response to that.

KIRSANOW:

(OFF-MIKE)

HATCH:

Put your -- put your...

KIRSANOW:

I haven't known Mr. Sessions as long as Mr. Thompson has, but I've known him for more than 10 years, and what I can tell you is that I've worked with several senators here who've been very concerned about issues related to civil rights, particularly with respect to one issue that's within my wheelhouse as labor attorney, and that is the interests of black and other workers and their employment prospects.

We had hearings at the Civil Rights Commission, several hearings at the Civil Rights Commission, about a lot of deleterious policies to the prospects of black employment, and these were rectifiable policies, but they had pronounced effects, negative effects, on black employment.

We even had a hearing where every single witness that spanned the ideological spectrum from left to right agreed, for example, that massive illegal immigration has a decidedly negative impact on wage and employment levels. I provided these reports to a number of senators and other congressmen.

Many of the senators here were alarmed by it and questioned me about it, and we had interactions and other members of the Civil Rights Commission. I also provided it to members of Congress, including members of the Congressional Black Caucus.

The one senator who reached out, being very alarmed and pursuing this case with ultimate vigor, was Senator Sessions. He was very concerned about this. In a number of private conversations we talked about a number of the steps that could be taken aside from reforming immigration law, which we all know here is something that's a significant challenge, but what can we do to improve employment prospects of black Americans?

He was the only senator to act in that fashion. I heard nothing whatsoever from the Congressional Black Caucus, despite copious detail about the negative impact of this. I'm ultimately convinced that Senator Sessions would take the appropriate actions to enforce the law as written, because that's what we are talking about, existing immigration law, and he was adamant in doing that without fear or favor and without bias.

HATCH:

Knowing him as well as I do I agree with you. Mr. Canterbury, I want to thank you so much for what you and thousands of officers who represent us each and every day have said here for Senator Sessions.

The Pew Research Center today released one of the largest polls of police officers ever conducted involving some 8,000 officers in departments across the country. As a result of the high profile fatal encounters between officers and blacks, three-quarters of officers are more reluctant to use force when it is appropriate, and 72 percent have become less willing to stop and question people who seem suspicious.

Now I believe this effect stems from what has become almost a presumption that police have done something wrong when such encounters occur. That is a pernicious and dangerous shift in the general attitude toward our police, and it is totally without foundation. . Now it seems to me that this change in attitude can not only negatively affect officers and actually put police safety at risk, but also make much more difficult important efforts at -- at community policing. Do you agree with me on that?

CANTERBURY:

Ab -- Absolutely agree with you. I think the case in Chicago of the young female officer that decided to take a beating rather than deploy a Taser because she said it wasn't worth what she would put herself through to deploy a Taser is -- is a -- a microcosm of what's happening in law enforcement where it's not worth what -- what you may have to put yourself through.

HATCH:

Well, that same poll found that 93 percent of officers have become more concerned about their own safety in this country. Yesterday the chairman noted that the number of police killed in the line of duty has significantly increased. You've made that point.

Also yesterday Senator Sessions noted that most police are local rather than federal. The Fraternal Order of Police and other national law enforcement groups support his nomination. How do you think that a change in leadership of the justice department can concretely affect and improve things at the local level?

CANTERBURY:

Well, first of all the Byrne JAG Grant Program, the COPS Program, the Community Oriented Policing teams, consent decrees, pattern of practice investigations. When you have open lines of communication where rank and file management as well as citizen and activist groups can discuss those -- those cases, I think you can -- you can get to a place where the communities will face -- feel safer and the police officers will feel safer.

And we've got to reduce the violence in this country. You know, Senator Hatch, we've been saying for a long time systemic poverty is an issue that law enforcement is not charged with nor has the ability to fix, but we're willing to be good partners, and we believe with Jeff Sessions as attorney general we'll be able to work in all of those sections of the Justice Department to try and improve.

(CROSSTALK)

HATCH:

We're pleased that you're here today, and we're pleased that you're willing to testify for and on his behalf. Thank you. Mr. Chairman.

GRASSLEY:

Senator.

DURBIN:

Thank you very much, Mr. Chairman. I want to thank all the members of the panel who are here today, and especially Oscar Vasquez, who came as my invitee, for telling his inspiring life story. Thank you. You've given a face to an issue which is near and dear to my heart and the hearts of millions of Americans. Thank you for serving our country.

General Mukasey, during the course of this hearing, I sense that there is an evolving context relative to Russia and the involvement of Russia in the election. Many of the questions we've posed to Senator Sessions related to his values, his votes, and now I think there's a growing concern of a question that you've addressed yourself, too.

I'm going to ask you to speak to again, about his role if he becomes attorney general vis-a-vis the White House, the president. We now have allegations, unconfirmed, relative to Russian activity relating to the president-elect.

As I said, alleged, unconfirmed, and Director Comey of the FBI saying at this point he would not talk about whether there was an ongoing investigation relative to Russia's role in the election. So can you give me some clarity?

And I think you've addressed this. Forgive me if I'm asking you to repeat. Could you give me some clarity? When you served as attorney general, if you received a call from on high, from the White House, from any person in the White House, relative to an investigation, an ongoing investigation or a prosecution, what do you believe was the appropriate response in that situation?

MUKASEY:

The appropriate response is that whatever investigation it is is going to be pursued to its logical conclusion, which is to say where the facts and the law lead. I'm glad that the question was in the hypothetical, because I in fact did not get such a call, although I have gotten -- did get calls with respect to other matters, and my response was generally that the department would pursue its agenda as already said.

DURBIN:

So do you -- is it your position the attorney general is independent in this decision making when it comes to other members of the executive branch?

MUKASEY:

Correct. The Attorney General is, obviously, is a member of an administration and pursues priorities that are set by an administration, but when you're talking about particular investigations and particular cases, that's something altogether different, and I think Senator Sessions made it clear he understood it was altogether different.

DURBIN:

Can I ask you another question related to that? Investigations undertaken by the Federal Bureau of Investigation, what authority does the attorney general have over the commencement or the conclusion of those investigations?

MUKASEY:

The attorney general, theoretically, is -- is -- The FBI director reports to the attorney general. I say theoretically because there're -- occasionally one gets the idea that the attorney general is independent. If we had more time, I could tell you the story, but it will have to wait until (inaudible) meeting.

The FBI director works for the attorney general.

DURBIN:

So, I guess my question, it -- Repeatedly Senator Sessions has called for attorneys general to recuse themselves rather than participate in investigations with political ramifications -- most recently called for Attorney General Lynch to appoint a special counsel for Hillary Clinton in an op-ed that he wrote on November 5 of last year.

I am trying to work this through. I asked him pointedly whether he would recuse himself if there were any accusations against the president-elect once he becomes president or other people involved in the Trump campaign, and he basically answered me that he was going to take this on a case-by-case basis.

If he has the authority and power to stop an investigation at the FBI, is that what you're telling me?

MUKASEY:

Yes.

DURBIN:

So, if there is an investigation underway, he could stop it if he wished?

MUKASEY:

Yes.

DURBIN:

And when it comes to the appointment of a special counsel involving the pre- the conduct of the president, is it your feeling that the attorney general should, as a general rule, consider special counsel?

MUKASEY:

No. It would depend on the case. The -- The -- A special counsel has to be appointed when there is a good reason why the department headed by the attorney general cannot pursue that case. I think what Senator Sessions had in...

I'm not familiar with the op-ed that you mentioned, so I'm -- I'm speculating, but it sounds like what he had in mind was not simply the position of the attorney general, but rather the tarmac conversation with -- with President Clinton, that put her in a -- in a difficult situation.

I don't think that simply had to do with the fact that she was attorney general appointed by the president.

DURBIN:

I see. Thank you. Mr. Brooks, since the Shelby County decision, the Voting Rights Act is in a perilous situation, and I commended to my colleagues and I commend to you a book entitled "White Rage" by Carol Anderson who teaches at Emory, and she talks about the evolution of the issue of race since the Civil War.

It strikes me now that we are in dangerous territory about the future of the Voting Rights Act. If preclearance is not required, and the Department of Justice is reacting after the fact, there could be some delay in justice here in an intervening election or no action taken.

I asked my staff to give me a listing of the cases initiated by the Department of Justice relative to the Voting Rights Act for the last several years, and it goes on for pages. Can you address this issue about your belief of the commitment of Senator Sessions to enforce the Voting Rights Act in principal post-Shelby County?

BROOKS:

Certainly. So, as you well know, Senator, the Voting Rights Act is regarded as the crown jewel of civil rights statutes, and Section 5 was regarded as the most effective provision of the most effective civil rights statute.

In the wake of the Shelby v. Holder Supreme Court decision, which debilitated Section 5, being via Section 4(b), we have seen nothing less than a Machiavellian frenzy of voter disenfranchisement from one end of the country to the other.

And so that means that the Department of Justice has taken on more responsibility and civil rights organizations have taken on more responsibility with fewer tools. It has meant the debilitation, literally, of our democracy. Where we have citizens who have to wait for the violation to occur, as we saw in North Carolina, where the Fourth Circuit, the U.S. Court of Appeals for the Fourth Circuit, held that the state legislature engaged in intentional racial discrimination with respect to voter suppression carried out with surgical precision.

It took an army of lawyers, an army of experts, in order to vindicate the rights of the people, and a mass movement by the North Carolina State Conference of the NAACP with so many others and so many other legal groups.

The point being here is the Department of Justice -- Not only is the democracy in a perilous place, but the Department of Justice is in a perilous place. It needs strong leadership. It needs resources, and we need the Voting Rights Advancement Act -- to fix the Voting Rights Act.

DURBIN:

And post-Shelby County, if the attorney general is not timely and aggressive in enforcing the Voting Rights Act, the damage will be done.

BROOKS:

The damage is absolutely done. And when we think about all of the many members of this body that went to Selma, that commemorated the foot soldiers of the movement, on the Edmond Pettus Bridge. All that they died for, all that they sacrificed is hanging in the balance. So we need strong leadership there, because literally, literally, we can squander the fruit of -- of -- of their efforts and the civic sacrament of our democracy, namely the right to vote.

DURBIN:

Thank you. Thank you Mr. Chairman.

GRASSLEY:

Thank you Senator. Senator Cornyn.

CORNYN:

Thank you Mr. Chairman. There's a lot to cover in seven minutes. So let me try to be somewhat selective. First of all, thanks to all of you for being here. I can't help but believe that, in spite of the fact that we've had a national election that the election is still ongoing. The campaign is still ongoing. I respect each one of your rights to express your point of view. And -- but I at the same time, it's amazing to me that, with the Senator having cast 6,000 votes in the United States Senate, we're focused on a handful of policy differences and somehow people are saying, well those are dispositive of the qualification of this person who we've served along side of for 15 years, in my case, and 20 years in the case of others. So I guess our job is, sort of, like the jury in a regular lawsuit, that we have to not -- we have to give weight to the testimony and we have to figure out who's testimony is entitled to greater weight.

Because frankly, the description we've heard today are so wildly disparate that it's, I -- I would imagine for people who didn't know Senator Sessions and know his record as I do and those of us who've served with him, it would be hard to reconcile. But I -- I want to ask General Mukasey, Senator Hatch alluded to this, but this is really important to me and I just want to reiterate this. You've had the distinction of serving in the two branches of our three branches of government, as a federal district judge with great distinction and as attorney general in the executive branch. I, at a much lower level, have had the chance to serve now in three branches myself as a state court judge and as attorney general of my state and now as a legislator here at the federal level.

Each of those roles are different aren't they? And indeed I think that's the point that Senator Sessions made eloquently yesterday, even though he may have some policy differences or have cast a vote against a bill in the Senate. He would respect the Constitution and enforce the law. Isn't that what you understood?

MUKASEY:

That's precisely what I understood. And he recognized the difference in the different roles that he plays as a legislator, from what he would play as attorney general.

CORNYN:

And I thought yesterday he did a magnificent job responding to the questions and acknowledging the policy differences do exist. That's just the way it is. Mr. Canterbury, let me ask you a little bit about the role of the federal government and the attorney general's office and the Department of Justice in supporting local and state law enforcement. I believe the figure is roughly \$2 billion a year, that the federal government hands out, or -- or -- or distributes in terms of grants to local and state law enforcement. I think your testimony, you mentioned the active shooter training that we've tried to enhance through the Police Act, which passed the Congress and was signed by President Obama. Making sure that more officers were -- got that training which is even more relevant, sadly today than perhaps even in the past.

I would just add to that, the -- the work that we did recently on mental health and it's intersection with the criminal justice system. The Mental Health and Safe Communities Act that was part of the 21st Century Cures Bill. Again, recognizing that our jails and our streets and our emergency rooms have become the treatment centers by default for people with mental illness. We need to do more to try to get people who need help the help they need, but not treat mental illness as a crime, per say. We also need to make sure that we train our law enforcement officials because we know how dangerous, at least from the stories and the statistics that we see, how dangerous it can be when police officer encounters a person with mental illness. And they don't have the training they need to de-escalate the -- the -- the scene. But could you talk a little bit about your experience and your organization's experience as law enforcement officials dealing with people with -- with mental illness?

CANTERBURY:

Well I would say in the last 10 or 15 years, the number of mentally ill individuals that law enforcement comes in contact as exponentially gone up as mental health services at the state and local level have gone down. And, I've explained this recently to a -- a Vice-President Biden when he asked about that same question. And my response was, in many of these situations, regardless on whether a police officer or a law enforcement professional realizes that there's a mental illness, the circumstances are dictated by the actions. And so, whether or not we can recognize the particular mental illness, is not as important as recognizing that there is an issue. The problem is that there's very little assistance at that level anymore for street level mental illness. And, making sure that they're not a danger to themselves or others should not, cannot be the responsibility of a first responding officer. We just will never have the training to be able to do it to that extent. So there is -- it's a huge issue for local and state officers and I don't know what we're going to do to fix that. But, the biggest thing is that the community based mental health facilities are just not there anymore.

CORNYN:

Well I think you'll find a friend in -- in Senator Sessions as attorney general in recognizing the priorities for local law enforcement -- state law enforcement and making sure that the Mental Health and Safe Communities Act, which will provide priority for that kind of training and assistance for local and state law enforcement is there. Ms. Sepich, thank you for your outstanding work and rising out of a terrible tragedy, you and your family experienced in your lives. But -- but I know you're committed to making sure not only that that doesn't happen to other families, but also that through your work on DNA Saves that we are able to bring people responsible to justice.

There's been so much work that we've done here and Senator Sessions has been front and center as you've noticed. Things like Senator Hatch's rapid DNA legislation act. The Paul Coverdale National Forensic Science Improvement Act, which was just renewed in the Justice for All Act that Senator Leahy and I co-sponsored and was signed by President Obama. But, it is so important to make sure that we do provide all these essential tools and good science to make sure we do convict the guilty, but we also exonerate people who are innocent of crimes. And would you, I just want to say thank you. I know the Chairman has the gavel in his hand and he's getting ready to gavel me out of order here. But I just want to express my gratitude to you for your leadership on that issue. But you're right, Senator Sessions has been front and center at all of those efforts, not only to convict the guilty, but also to exonerate the innocent. Thank you Mr. Chairman.

GRASSLEY:

Now Senator Leahy.

LEAHY:

Thank you. I wasn't going to interrupt Senator Cornyn as long as your praising a legislation you and I wrote -- wrote together. I mention that only because contrary to what people believe, Republicans and Democrats do work together on a lot of things here in the Congress. Mr. Thompson, you and I have worked together on things as you know. And, I just want to say something to Sergeant Vasquez -- Vasquez, I'm sorry for the pronunciation. I watched some of your testimony earlier. It is so moving. And, my wife did too, and we're both so proud of you and thank you for what you have done, your service for the country. And as parents of one who served in the military, we, like all parents everywhere, you worry about those who serve and you worry what they do, but you think. Thank everybody, the fact that we have people who are willing to serve our country. Are you concerned about what might happen under the new administration for young people registered under DACA?

VASQUEZ:

Definitely Mr. Senator. There -- there is a huge concern for those roughly 800,000 people that raise their hand and say they were undocumented right? I think that the biggest point that makes is that when there was a path, there was a way for us to come out of the shadows, right. And a dozen people raised their hand and say they were undocumented.

Now the fact of the matter is that there was no other way, right; the Congress, the Senate has not passed any meaningful laws that could guarantee them a path to citizenship, to (inaudible)

legislation (ph), to whatever you want to call it. But unless there is a path, unless there is a way they can find a permanent solution, we are definitely concerned that the next administration is going to stop the DACA and that those students are going to have to go back into the shadows.

Senator Sessions stated yesterday that there is not enough financial support to report 800,000 people and at the same time he opposed every single legislation that will give them a way to become legal. So what are the students to do? What are the young adults to do when they are faced with opposition? So it is definitely concerning.

LEAHY:

You must know an awful lot of people who are nearing the DACA, is there a sense of concern about the rhetoric that we're hearing with the new administration?

VAZQUEZ:

There is definitely a sense of concern. There is a lot of fear most of all. I know students -- one of the other, my teammate has won the competition so many years ago; he is a father to two U. S. citizen children now and he will be facing -- he is facing the unknown (ph) given the next administration.

I mean there has been statement saying that DACA is going to be repealed, maybe there is not, so we are not sure what's going to happen in that scenario. There is a lot of fear out there.

LEAHY:

Thank you. Ms. Swadhin, I -- I raised on behalf -- I probably should raise the question yesterday and I'm hearing about comments that the President-Elect has made regarding sexual assault and gave Mr. Sessions a chance to explain where-- his first response is that he seemed to be basically minimize and improving what President might have said, he expanded what he meant yesterday and yesterday he is under oath, I will accept that.

But I think -- my own daughter -- I think of -- my three beautiful granddaughters; and I think about somebody in the Hollywood video on the President-elect jokes about what is sexual assault. Mr. Sessions now when he is asked further about it, in midst of what President-elect Trump brags about doing is sexual assault.

You've dedicated your life to helping others heal after sexual assault. You're a survivor yourself. What -- sort of a two-part question; what kind of a message to somebody, especially somebody in power trivializes sexual assault, even jokes about it; how is the prosecutor -- I prosecuted sexual assault cases. What does it do for victims' willingness to come forth if they see people in power trivialize something that might be a lifelong trauma for them? (Inaudible).

SWADHIN:

Thank you for the question, Senator Leahy.

You know, it's highly relevant on several levels that the impact that it has on survivors watching people in power and in this case, someone who -- you know, has been elected to be the President of The United States make these kind of jokes and brag about this kind of so-called locker room behavior about sexually assaulting women.

I think it's important to go back to the point I made in my testimony that the majority of victims of violent crime are assailed (ph) by people who they know intimately. In cases of adult rape and sexual assault, 80 percent of survivors know their assailant and in 90 percent of cases of child sexual abuse, the person sexually abusing the child is known and trusted and often loved by the person who is perpetrating the violence.

So it's already so hard for survivors to come forward because it means that we have to testify against the people that we put our trust in. In my case it was my father and that's not an uncommon story, it's someone very close to you; that's how these crimes happen. And so to be able to trust the state more than we fear are intimately known perpetrators, we have to see people in control of the state who take a hard-line stance against sexual assault and whom -- you know, say publicly that they would support and believe survivors.

And unfortunately in this political climate, we're looking at an administration led by a man who not only does not seem to prioritize helping sexual assault survivors heal and come forward to be able to trust the state but -- you know, may have actually engaged in assault himself, the things that he was bragging about. So it's incredibly concerning.

Add to that the fact that the violence that we live through has very traumatizing impacts. I myself live with complex PTSD, so your mental health on a day-to-day basis is already negatively impacted. So to be able to stay grounded enough to come forward and put your trust in a stranger, social worker, a prosecutor, a police officer in order to get the services healing and the accountability that you deserve, it's incredibly difficult.

LEAHY:

Thank you. Because I -- I remember, on the sexual assault cases where detectives at my office, assistant prosecutors and myself having to tell people you can trust us. We actually care about what you're saying. We do believe it's a crime.

And frankly, those who trivialize it and say it's not a crime are ignoring too many people in this country. Thank you, Mr. Chairman.

GRASSLEY:

Thank you, Senator Leahy, now Senator Cruz.

CRUZ:

Thank you, Mr. Chairman. I want to thank all the members of the distinguished panel for being here today and I want to take a special moment to thank Larry Thompson who was my boss at the Department of Justice; although I would note that you should not hold Larry accountable for my missteps in the years that followed.

I want to start, Mr. Cole by addressing your testimony. And I would note that the ACLU -- I have worked alongside the ACLU on any number of the issues here in the senate, including we've worked alongside each other on issues of indefinite detention, we've worked on the same side concerning the USA Patriot Act, we worked on the same side working to stop the efforts of Senate Democrats to amend the Constitution and to amend the Free Speech protections of the First Amendment and so I'm grateful for many of the good things the ACLU does.

You're a professor at Georgetown; I would like to ask you as a professor, how would you react to a student who submitted an exam with a one-sided and biased account of the facts that included only the facts on the students -- supporting the students view and omitting everything else?

COLE:

Well, first of all, Senator Cruz, thank you for where you've worked with us and we hope to work with you in the future where our interests align. You know, I -- what we did here with respect to Mr. Sessions...

CRUZ:

Let me -- I'll get into the facts for a moment.

COLE:

Sure.

CRUZ:

It's just -- if you will indulge me and answer the questions.

COLE:

Right. So I think it would depend. If the question were to the student is grabbing a woman by the genital, sexual assault or not and they responded, yes, it is. I would say that's a correct answer. If they responded by saying actually -- if they responded by saying, no, I don't -- I wouldn't characterize grabbing a woman by her genitals as sexual assault, I think that's a stretch. As Mr. Sessions did, then I would -- then I would say that's not a good answer.

CRUZ:

We'll get into the facts and substance in a moment. I think I'm on firm ground and observing that if you had a student who presented a one-sided and biased answer, you would grade them very

poorly. I would also note, you and I are both Supreme Court litigators; and any court would not look kindly at a litigant who omitted any facts or law that were to the contrary.

Would you agree with that that if you filed a Supreme Court brief for doing oral argument and the case law that's against you, the facts that are against you, you just stick your head in the sand and ignore, that doesn't tend to be looked on too kindly by the Supreme Court or by any court?

COLE:

No, I think you -- you have to address the questions that are presented by the case as I think we did with respect to...

CRUZ:

OK, good. Well then let's get into the facts. You blasted -- and I'll note that your -- your testimony -- I have to say your testimony, both written in oral is disappointing to me. You characterized it as strictly, non-partisan and yet you blasted Senator Sessions for prosecuting African-American Civil rights leaders as U.S. attorney in the 1980s and insinuating that doing so somehow made him a racist.

And yet you did not mention in your written or oral testimony the fact that the complaints asking him to do so were brought by African- American citizens who felt that their votes were being abused and stolen. And indeed, I'd like to read a quote from Laverne Philips (ph) who is an African-American investigator for the Perry County District Attorney's Office, who said there was an ongoing "black-on- black" power struggle in Perry County.

In 1982 the office received numerous complaints from incumbent black candidates and black voters that absentee ballot applications were being mailed to citizens homes without their requests, people were told -- were going to the polls trying to vote. They were told that they had already voted absentee when they did not.

A grand jury, a majority of which was African-American asked in its official report for a federal investigation of voter fraud in Perry County because it was becoming very abusive and the black incumbent candidates at the time were rather terrified. That's the case that Senator Sessions brought U. S. Attorney.

And my question to you, Mr. Cole is, in your written and oral testimony, why did you omit the fact that the complaint came from African-American citizens, from elected African-American incumbent politicians and the indictment (ph) came from a grand jury that was a majority African-American. Why did you omit those facts?

COLE:

Well, I don't think I intentionally omitted those facts, Senator Cruz. What I did was to express our concerns about several aspects of that case, namely that Senator Sessions as the U. S. Attorney

investigated only counties -- not just Perry County, but only counties where black votes had gone up; not where white votes had gone up, but only where black votes had gone up, number one.

Number two, that he had conducted the investigation in an extremely intrusive way, addressing black voters at their homes, asking them how they voted, why they voted, etcetera. Number three, that he took the position -- the legal position that advising somebody on how to vote, on who to vote for was a crime.

Now you Senator Cruz, when you were running for president advised people on how to vote by yourself, that is not a crime.

CRUZ:

Well, you also admitted the fact that the evidence in the case showed absentee ballots have been tampered with and indeed the defendant in the case admitted that he had changed absentee ballots. He argued it was with the voters consent but he admitted he had changed absentee ballots.

COLE:

Right, and if you're...

CRUZ:

And my point is simple Mr. Cole; we -- this committee can assess what occurred there, but any law student or any litigant who presented such a one-sided picture of the fact conveniently omitting every single fact that is to the contrary would not be treated as a credible witness and would not be treated as you describe your testimony as strictly non-partisan.

Let me turn briefly to a second issue you brought up which was a Tyco (ph) case. You said the Tyco (ph) case undermines Sessions' fitness for the job as attorney general. And likewise, there are number of facts that you just omitted from your discussion; number one, the basis of your complaint was submitted to the Alabama Ethics Commission and on July 10, 1996, the Ethics commission unanimously dismissed the charges against Sessions for insufficient facts. Now you briefly mentioned that in your written testimony but you omitted it from your oral testimony.

Fact number two, the Alabama State Bar wanted that Tyco's (ph) lawyers filed a complaint which the Alabama State Bar based on the Trial Court's order that you quoted alleging over 20 ethical violations. The Alabama State Bar adjudicated that matter and on February 16, 2000, the state bar unanimously dismissed the complaint. Again, you omitted that fact from both your written and your oral testimony, that is nowhere to be found.

But third, most strikingly the language you rely on is the basis for your testimony. The Federal Court of Appeals, the 11th Circuit concluded that that precise language concerning prosecutorial misconduct was "particularly unreliable and misleading". It reversed a civil verdict based on it and the 11th Circuit concluded there was "no evidence in the record to support a finding that Tyco's (ph) federal constitutional rights were violated" and concluded that "probable cause existed to

prosecute Tyco (ph)". You omitted that fact of the federal court of Appeals profoundly repudiated that state court ruling you're relying on and that again is not credible or impartial testimony.

Now I would ask the Chairman for consent to introduce into the record the Federal Court opinion, the Ethics complaint dismissal, the State Bar complaint dismissal and related materials and I'd also like to introduce a memo from Professor Ronald Rotunda (ph) and William Hodes (ph), concluding that quote to mere specific/non-specific allegations of a party uncritically adopted by a State Court judge and rejected by the state agencies with jurisdiction over ethics complaints cannot possibly have any bearing on Senator Sessions ethical standings today.

COLE:

Can I respond now? Can I respond just briefly and thank you. First of all, I did not omit that the Ethics Commission concluded there is not an ethics violation but that was a year before the case was dismissed for rampant prosecutorial misconduct.

Second, I did not omit the fact that the 11th Circuit reversed a lower court decision for introducing that District Court, that Trial Court opinion. I addressed it and I explained that that 11th Circuit decision in no way questioned the factual validity of the Trial Courts findings that Senator Sessions office engaged in the worst misconduct that he had ever witnessed.

What the court held was that because it was hearsay -- because it was hearsay and therefore the defendants weren't able to cross-examine the information and because it was very prejudicial, it was improperly introduced. But the court did not have before it any facts that would allow it to assess whether the judge's findings based on the judge's record in the State Trial Court were right or wrong and in fact...

CRUZ:

You say the Federal Court didn't question the reliability; the quote from the 11th Circuit is that the State Court's opinion was "particularly unreliable and misleading".

COLE:

And that what it mean was -- but if you read the opinion, which I did and Senator Cruz, you're now presenting misleading information because if you read the opinion, the opinion makes it very clear, the decision is based on a rule of hear/say and it's relation to prejudice in the abstract as a legal ruling; it is not a factual determination in any way, shape or form.

And so you present one side, I present another side. I urged the committee to look at the facts of this case where Senator Sessions worked on behalf closely collaborated with people who are making campaign contributions stand fall to 222 count indictment, every count was thrown out.

CRUZ:

Mr. Cole, my time has expired but I would simply note the Federal Court of Appeal said and I quote, the statement of facts was intended to exculpate Tyco (ph) and thus it was self-serving and unreliable, that is a verbatim quote from the Federal Court of Appeals and it's contrary to what you've just told this committee.

FRANKEN:

my time starts, can I just note the Senator Cruz time went over four minutes and I want to respond to something that Senator Cruz said -- I know but can I maybe have a couple of extra minutes because I want to respond to something that Senator Cruz said about omitting facts. You're the chairman.

Yesterday I developed this line of questioning with Senator Sessions where he mischaracterized; the Civil Rights cases that he had been involved in. He said that he had personally handled among the 10 most important case he personally handled, four of them were civil rights cases.

And I put into evidence or testimony from an op-ed article co-authored by Jerry Hebert (ph). Mr. Cruz and following me, said that Mr. Hebert's (ph) testimony in '86 was discredited, that he recanted it and he -- and it was discredited. He didn't recant his whole testimony. He just -- he recanted a small piece of his testimony that was actually in the recounting of it was to Senator Sessions favor. And he did it before -- he didn't time, so it was before the vote.

It was one little piece where he had misidentified. He said that Sessions had stopped him from pursuing or not giving him approval to do a civil rights case and he -- he had looked back his records and got that wrong. Every other part of his testimony, he did not recant and he was not discredited. So if the senator is going after a witness for not being balanced, I would suggest that the senator look at his own methods of making arguments.

Now I want to know is anybody here or anybody on this panel have any evidence at all, any reason to believe that there are 3 million fraudulent votes cast in this election? (Inaudible). Yes?

OK, now voting rights is a big deal. It's a really big deal. And so when we are going to be -- we are talking about the attorney general here; it's important that the attorney general care about voting rights because that's part of his job.

Now Mr. Brooks, North Carolina, when was that -- if that was thrown out by the fourth circuit; when was that enacted or was thrown out by the fourth circuit?

BROOKS:

In two years ago.

FRANKEN:

How many?

BROOKS:

I think two years ago. I'm not sure (ph).

FRANKEN:

Yes, two years ago, right. So in the intervening time, there have been elections, right?

BROOKS:

Yes, sir.

FRANKEN:

And what did the fourth circuit say about how this was targeted?

BROOKS:

The court held that the voter suppression was intentional, racially intentional and that it was carried out with surgical precision with respect to African-American voters.

FRANKEN:

OK, so in other words, the North Carolina State Legislature with surgical precision went after African-American voters to prevent them from being able to vote. And because we didn't have preclearance that the -- there were elections allowed to happen in which votes were suppressed, right?

BROOKS:

Yes, senator.

FRANKEN:

Is that how our democracy is supposed to work?

BROOKS:

No, senator. As you well know that when the preclearance provision was in the fact for years and years on end, these kinds of changes were regularly rejected by the Department of Justice, at least 20 or so a year. And so in the wake of the Shelby decision, what we have now is a political landscape in which the violation has to occur.

And then, ordinary citizens have to find lawyers, have to find experts, they had to find organizers, they have to reach out to the NAACP to right a wrong in their democracy where resources they don't have in communities often under-see (ph) civically speaking and this is expensive and it

imposes a cost not only on the litigants, one of whom I walked with from (inaudible) to D.C. last year at 90 somewhat years of age. So this is not merely a matter of legal costs, but also the cost on our fellow citizens.

FRANKEN:

Now, because we had Shelby, we didn't have preclearance. And because of that elections were held in which black votes were suppressed. That we know, that we know as a fact. Now if we don't have preclearance, we have an -- you know, Senator Sessions said that, that this -- you know, this was targeted at this -- of course, it was targeted at states like North Carolina and say for a history of doing it, that's for a reason.

And we can get a new formula as Senator Cruz has tried to get pass-through here. But in the meantime, and does anyone -- can anyone guess why I asked about the evidence on 3 million suppressed votes or supposedly fraudulent votes?

I think you know why I brought it up because when you are saying that there are 3 million fraudulent votes, that's your excuse to suppress votes. There was no -- none of the states, nobody came forth with evidence of any widespread fraud. Zero fraud mainly is what we heard.

And so, what I want is -- I'll just finish up with the sense (ph). I want an Attorney General who is going to protect people's right to vote. And I don't think with Senator Sessions we are going to have that.

GRAHAM:

Thank you very much. Does anybody on the committee doubt that there are cases of voter fraud in America? They all said they don't doubt it. Do you doubt it? If you do, now it's time to speak up.

BROOKS:

Senator, various studies have indicated that when you compare the number of ballots cast, they are hundreds of millions, the number of instances where voters are impersonating voters for the purpose of casting a ballot are literal handful.

So if you look at the research of (inaudible) at any number of scholars will indicate that it is virtually zero. It's a relative handful to hundreds of millions of ballots cast.

GRAHAM:

So you're saying there really is no evidence of voter fraud?

BROOKS:

What happens if a county has more votes than there are people in the county?

GRAHAM:

That doesn't seem right to me but anyway, the bottom line is, I think you want to do two things, at least I do. Make sure people can vote and nobody votes illegally. Indiana has approached, North Carolina has approached, we'll keep working on it. Mr. Brooks, do give a scorecard to members of Congress?

BROOKS:

The NAACP does indeed.

GRAHAM:

OK. Do you know what score was given to Senator Sessions in the 113th Congress?

BROOKS:

The senator has received a low grade, as in a failing grade, for years on in (ph).

GRAHAM:

OK, he got 11 percent. What did I get?

BROOKS:

Senator, I have to consult the scorecard for you.

GRAHAM:

I got 25 percent, Hatch got 25 percent, Grassley got 11 percent, Lee got 11 percent, Cruz got 11 percent, Sasse (ph), yet to be determined, Flake 29 percent, Crapo (ph), 14 percent, Tillis not rated, Kennedy not rated. What did the Democrats get on this committee?

Feinstein got 100 percent, Leahy got 100 percent, Durbin got 100 percent, Whitehouse got 100 percent, Klobuchar got 100 percent, Franken got 100 percent, Coons got 96 percent, Blumenthal got 100 percent, and Hirono got 100 percent.

Why do -- would you say that there seems to be a difference in terms of the parties and how well they do with NAACP legislative agenda?

BROOKS:

The new questions -- the report card is based on legislation, not party affiliation.

GRAHAM:

Well, ain't it kind of odd that one party gets 100 percent and nobody else does very well on our side?

BROOKS:

I don't think it's -- Senator, I don't think it's odd. It simply reflects...

GRAHAM:

I think it's really odd. I think it's -- well, it speaks for itself. Name one -- it means that you're picking things that conservative (ph) Republicans don't agree with you and liberal Democrats do. I hope that doesn't make us all racists, and all of them perfect on the issue.

Can you name one person you think would be a good attorney general on the Republican side?

BROOKS:

Senator, my purpose here is as you well know as a witness is to speak to the nominees fitness to service as Attorney General. Am I no -- with respect to our report card, we've done that for the better part of the century, not based on...

GRAHAM:

If I may, I think the report card says volumes about how you view Republican conservatives. And all of us are in Jeff Sessions' boat when it comes to your organization. Maybe we're all wrong and maybe you're all right. I doubt it is that way.

Mr. Mukasey, you've been Attorney General.

MUKASEY:

Yes.

GRAHAM:

You know the job pretty well.

MUKASEY:

As well as you can learn it in the time that I was there.

GRAHAM:

So, what makes you believe that Jeff is capable of doing the job?

MUKASEY:

I think he has all the qualities of passing issues of competence and knowledge. He has all the qualities of mind and character that it takes to do the job. Plus he has tremendous skill as a lawyer.

He's also got an advantage that I didn't have, which is to say he had 20 years in this body, so he understands relationships with Congress. It doesn't have to be a learned skill for him. And he has the dedication to the rule of law that's required to do the job properly. I have no hesitation supporting him.

GRAHAM:

Thank you. Mr. Canterbury, you're -- do you work with Democrats and Republicans at the FOP?

CANTERBURY:

Absolutely, Senator. I have many good friends on both sides of the aisle.

GRAHAM:

Have you found Jeff Sessions willing to work with the other side when he finds common ground?

CANTERBURY:

Absolutely. And we've disagreed with Senator Sessions on issues, but always willing to listen to us.

GRAHAM:

Have you found that he'll fight like a tiger for what he believes in?

CANTERBURY:

Yes, sir.

GRAHAM:

How do you say your name, Peter?

KIRSANOW:

(OFF-MIKE)

GRAHAM:

You've been a big supporter of Senator Sessions' immigration position. Is that fair to say?

KIRSANOW:

That's correct.

GRAHAM:

And I've been a big opponent of that.

KIRSANOW:

That's correct.

GRAHAM:

Your observations about the man, I agree with. Subsequently (ph), on the issues I disagree. But I appreciate you coming forward and speaking.

Mr. Vazquez, is that right?

VAZQUEZ:

Yes, sir.

GRAHAM:

If I had my way, then we'll find a way to replace the Executive Orders with legislation to protect the 800,000 people who have come out of the shadows. I look forward to working with you on that.

Do you support deporting people who have committed felonies?

VAZQUEZ:

I believe that the real spirit of immigration, when coming to this country, is to come here to pursue a better life. I can speak for the people I know, that -- my parents, right? We came here to work. We came here to pursue a better life, and...

GRAHAM:

My question is, do you support deporting people who have committed felonies?

VAZQUEZ:

If you didn't come here to work and if you're here to do other issues and perhaps you are not representing us, and you should not be given the same opportunity.

GRAHAM:

Thank you, all.

COONS:

Thank you, Mr. Chairman. And I'd like to thank the witnesses of this panel today for their moving testimony, and for sharing with us their experiences, their struggles, their work for public safety, for justice, for civil liberties and civil rights.

The role of an Attorney General is not to be a bystander or a mere witness to the passing of time. Fundamentally, the top law enforcement officer of our country has an obligation to enforce the law. But that is too simplistic a framing.

In a world of limited resources and competing demands, not every violation of law is enforced equally at all times in every situation. The Attorney General of the United States has enormous power to shape the strategy of the Justice Department and deploy its resources of \$27 billion and 100,000 employees.

And at times, as we heard yesterday, a more moderate and more reflective Sequestration Sessions who gave encouraging answers to a number of pointed questions. But I am very concerned that Senator Sessions' 30 year record reflects many extreme positions, far out of the mainstream, not just of our legislative work here, but out of the Republican Party.

And more than that, I'm concerned Senator Sessions' record demonstrates when there was an opportunity to stand up for the vulnerable, to promote civil rights or advance justice, he did not take action or even actively oppose bipartisan work that would advance justice.

So I have just a few quick questions. First, I'd like, Mr. Chairman to introduce into the record a letter from Coretta Scott King that was sent to the Chairman and Ranking, at that point Senator Biden, back in 1986, that was apparently omitted from the record, that I think ought to made a part of the record.

And I'd like to first ask, if I might, Dr. Brooks, about Senator Sessions' record. He's been criticized for actions he took ranging from the 1980s to the current day. And based on his record, many have expressed concern that, as Attorney General, he might not fully enforce a variety of civil rights laws and help advance them.

And after the Supreme Court's decision in Shelby County, striking down pre-clearance, the most important piece, I would argue, of the Voting Rights Act, a Voting Rights Act that was really forged in the crucible of the March in Selma, a number of us worked to try and find a fix that addressed his concerns about the formula being outdated, that the formula was based on things that had happened decades ago. And despite diligent, disciplined work to try and find a bipartisan solution, we did not find a partnership with him.

Tell me, do you believe that Senator Sessions as Attorney General would not just be a witness to actions, but would act to advance justice?

BROOKS:

Based upon the record, we don't believe that. And the reason being here is that the Voting Rights Act has been debilitated in the wake of Shelby. We've seen these voter ID laws affecting at least 21 million Americans. We've seen these voter ID laws based upon the false predicate of voter fraud. We saw that in Alabama.

We have not heard the senator speak out on the voter suppression in his own state. A voter ID law in that state, or similar to the one in Alabama, has been invalidated both in the Fourth Circuit and in the Fifth Circuit, North Carolina, and Texas.

The senator has referred to the Voting Rights Act as -- as, let's just say, the debilitation of it as good for the South. He's referred to the Voting Rights Act as intrusive. He has not spoken in any way commendable, has not done anything to strengthen the Act in the wake of Shelby, has not recognized the voter suppression in his own state, has not spoken out in any way significantly, and in terms of the voter suppression that has occurred in the wake of Shelby.

So we have no reason to be confident that as a -- as the chief law enforcement officer of the country, that he would do all that is necessary to protect the rights of Americans. In other words, being a prosecutor is not merely a binary matter. You do it or you don't. It is a matter of discretion. It is a matter of judgment. It is a matter of allocation of resources, and a matter of using the resources of the Department of Justice to bring about justice.

We have no reason to be confident that he will do that.

COONS:

And to make it clear, Dr. Brooks, Senator Franken was just asking about this. The allegation that there were three million fraudulent votes in this last election was made by the president-elect without any foundation.

BROOKS:

(Inaudible.)

COONS:

We have had hearings in this committee. There have been hearings in other places and in other legislatures. There is no evidence of widespread fraud to justify the voter ID statutes that have been enacted, and subsequent reviews, not just in North Carolina but in other places, have found them to be unconstitutional. Yet, the nominee for Attorney General has been silent about those issues and concerns. Is that your take (ph)?

BROOKS:

That is in fact the case. And, let us note this. This -- just to be very clear about this. Empirically speaking, one is as likely to see the tooth fairy standing next to Santa Claus at the ballot box as to encounter an actual instance of voter impersonation or voter fraud. Those are simply the facts.

And so, for this kind of voter fraud to be a predicate for voter suppression is a shame in our democracy. There's no such case of voter fraud on the magnitude that has been plotted (ph) by the president-elect.

COONS:

Thank you, Dr. Brooks.

Mr. Cole, the ACLU has published a report outlining a number of concerns about Senator Sessions' nomination, ranging from voting rights to criminal justice, to LGBT rights, to torture, to religious freedom. And I'd like to note that in the audience today, I've marked Mr. Khizr Khan is here with us. He has spoken passionately about his son's sacrifice for our nation in combat in Iraq, and has submitted a letter that I think is worth review by all members. I'd like to submit it for the record, if I might.

But, Mr. Chairman, Mr. Khan in his letter spoke about his Muslim faith, about what it means to be an American and what it means to have real concerns about the Attorney General nominee and his commitment to the enforcement of religious liberty and protection of civil liberties.

Out of all the issues raised by the ACLU, what concerns you most?

COLE:

Well, I think it's the pattern. It's the pattern of abuse when he exercised the prosecutorial power, and the pattern while he was senator of not just an ideological difference, as some have put it, but of blindness at best and hostility at worst towards the interests and the rights that the Attorney General of the United States is -- has a responsibility to protect.

So, when you say, you know, you can vote against the hate crimes act. But when you say, "The reason I'm voting against the hate crimes act is because I don't think gays and lesbians and women are victims of discrimination," that's blindness. When you say, "Muslims -- Islam is a toxic ideology," that's hostility.

When you defend the president when he proposes -- the president-elect when he proposes a blatantly unconstitutional action, using religion as a test for immigration, and you, in the Senate, are one of four people who defend that position and oppose a resolution that does not more than underscore what the establishment clause requires, which is that government officials be neutral vis-a-vis religion, that gives us great pause.

So I think it's this -- the entire set -- records here. It's not individual disagreements. It's about a failure to recognize discrimination and a hostility to some of the very rights that the Justice Department is designed to protect.

COONS:

Thank you both for your testimony. Thank you, Mr. Chairman.

GRASSLEY:

(Inaudible) to put in the record the fact that there's been a lot of discussion of the Perry County case. It's worth noting that the Turner son, Albert F. Turner, Jr., thinks Senator Sessions handled their case fairly.

He said this in a letter, quote, "My family and I have literally been on the front line of the fight for civil rights my whole life. And while I respect the deeply-held positions of other civil rights advocates who oppose Senator Sessions, I believe it's important for me to speak out with regard to Senator Sessions personally."

I appreciate Mr. Turner's attitude. Quote, "he was a federal prosecutor at the federal level with a job to do." So, without objection, I'll put the statement in the record, and turn to Senator Blumenthal.

Oh. Well, did you show up before I called on him?

BLUMENTHAL:

I would be happy to yield if the Chairman so wishes.

GRASSLEY:

Senator Tillis, go ahead. I'm sorry.

TILLIS:

Thank you, Senator Blumenthal. I've actually -- I've got to preside before too long, so this will be my last opportunity. So, thank you very much for the courtesy.

Mr. Vazquez, I want to thank you for your service, and I want to thank you for coming up and speaking on behalf of folks where I, for one, happen to be on the spectrum where I think some sort of immigration reform policy is something I hope we accomplish over the next couple of years. I look forward to working with other colleagues on this issue.

But now I want to go to Mr. Kirsanow. Am I pronouncing your name right, Mr....

KIRSANOW:

Close enough.

TILLIS:

OK. Kirsanow. You sat on a panel that I referred to in general yesterday. I don't know if you recall the panel where it was primarily Senator Sessions and myself in a kind of a debate club in the Immigration Subcommittee.

But I pointed to that as an example of his sense of fairness, because we came to that committee with very different views about the immigration issue. I do share many of the concerns. I'm going to ask you a question in a moment about it, that you expressed.

But what I was most struck by were the multiple rounds of discussions that we had, and how quick he was to give me another round when he knew full well that what I was going to talk about was at odds with what he, as the chair of that committee, really wanted to have the discussion be about. So that, to me, is just another testament of the fair nature of Senator Sessions, and why I look forward to supporting his nomination.

Mr. Kirsanow, I actually hope -- and this relates to a question that Senator -- or Chairman Grassley asked yesterday. I actually hope, and do you believe, that an Attorney General Sessions would likely prosecute examples of where visa programs are being abused, and calling out the people who are abusing the work visa programs that we have today. Do you think he's going to do that?

KIRSANOW:

I'm fairly certain he will, based on his public actions and the discussions we've had. He is concerned about enforcing the law -- excuse me -- as it exists, fairly, impartially. And I think one of the frustrations that he has expressed, as many people have expressed, is that existing immigration laws and other laws are simply not being enforced.

And, as General Mukasey has indicated, it's his job to enforce the law as an Attorney General, as opposed to a legislator who makes the law.

TILLIS:

And, Mr. Vazquez, the reason why I like the answer to that question is that there -- those of us who want to make progress on immigration reform need to get to the facts around where the abuses are occurring and where we eliminate them. Because once we eliminate the abuses, then we can have the legitimate discussion about labor shortages and demographic trends that are probably going to get -- have to get us to the right place on allowing legal immigration to occur.

But until we have a top law enforcement official who is willing to actually make sure that the law is followed today so that I can come back and say that there is a need for migrant workers. There may be a need for highly skilled workers. And we have an Attorney General who's actually enforcing the law to get rid of the abuses that take us further away from that result.

I think, interestingly enough, that an Attorney General Sessions may get us closer to a solution on immigration reform that both you and Mr. Kirsanow may find acceptable over time. It may be idealistic. I've only been in this job for a couple of years. But having somebody who will get to the facts and who will actually get us to a point to where we can discuss the facts in this meeting about the reality of immigration reform and demographic trends is something I think that Mr. Sessions is going to help us do.

Mr. Thompson, you've spent a fair amount of personal time -- if you've roomed with Senator Sessions, then that means you spent a lot of personal time with him. Tell me a little bit about his experience as U.S. Attorney that you think make him highly qualified for the role of Attorney General, and also your personal observations with him when he was in the role of U.S. Attorney.

THOMPSON:

So, my response to your question, Senator, really will go to some of the questions that have been asked about Senator Sessions' ability and willingness to enforce the laws.

Over the years, I've known, you know, some bad prosecutors, and over the years I've known some good prosecutors. And I can assure you that Senator Sessions will be aggressive with respect to potential violations of the law. He will strike hard blows. He will not strike foul blows. And I don't think anyone here should have any concerns about his willingness to enforce our laws fairly, impartially. He's a professional. He will be a complete professional in this job.

TILLIS:

Mr. Canterbury, I thank you and all the men and women who serve in our communities, keeping us safe. There's another element to, I think, an Attorney General Sessions that I believe will help us get through the -- the variations that we have in illegal seizures. I know that the Chair has had some concerns with forfeitures and seizures. I think a part of that has to do with the past execution of the current Department of Justice, and maybe the leadership in the past.

I firmly believe that this is another issue to where maybe we can have a discussion about a proper execution of seizures and forfeitures that will make people in this committee who are concerned with abuses less concerned with that. Would you agree with that statement?

CANTERBURY:

Absolutely. I mean, we stand ready to work with the Committee as well, to find a solution to the issues on the less than credible seizures. But the vast majority of the seizures, as Senator Sessions has commented many times, are crooks paying for law enforcement.

TILLIS:

And I tend to agree with that. And because my time is limited, and I want to stay under, particularly in deference to Senator Blumenthal, I just want to thank General Mukasey.

I actually had a question for you, but I'm not going to ask it so I won't go over, except to thank you, because you may be the first attorney who's come before a panel in this Judiciary Committee who answers yes-no questions with either yes or no. So, thank you very much.

I yield back the balance of my time.

GRASSLEY:

Senator Blumenthal.

BLUMENTHAL:

Thanks, Mr. Chairman. Thank you all for being here. This is a very distinguished panel and each of you brings a perspective that's very valuable to our committee.

Let me begin with Mr. Thompson, who has a wealth of experience both as a private practitioner and as Deputy Attorney General.

THOMPSON:

And you used to be my senator.

BLUMENTHAL:

That's correct. And we welcome you here.

I am very concerned, as Senator Coons articulated so well, about a number of Senator Sessions' views on issues which seem to be out of the mainstream and hostile to basic civil rights and liberties, his views on immigration, his statements about Muslims, and his views on voting rights. You served as Deputy Attorney General. You were responsible for enforcing the Voting Rights Act. I assume that you feel that it served a value purpose.

Do you agree that the *Shelby County v. Holder* decision was, quote, "good news," which is what Senator Sessions called it?

THOMPSON:

I'm not that familiar with that case, Senator, but let me respond this way, please.

BLUMENTHAL:

Well, let me just tell you, you may not be familiar in depth with it, but essentially it gutted the Act's most important enforcement provisions, and it lifted the obligation, which you were responsible for enforcing as Deputy Attorney General, on many states with a history of voting discrimination to clear voting changes with the Department of Justice.

THOMPSON:

As I understand the decision, and as I understand the Voting Rights laws and the decision did leave in place provisions that allowed the Department of Justice to deal with important areas of voting rights.

I now live in the South. And one of the things about the way we have administered and implemented voting rights is that, I can tell you, I've lived in your home state and I've lived in the South. And I can tell you there are problems in both states. And so for a lot of people who live in the South, the idea that the -- the idea in this day and age to be subject to provisions that Connecticut, for example, is not subject to, or other Northern states are not subject to, is something that's hard to swallow for a number of people.

Now -- now, let me respond about Senator Sessions. What we're talking about in terms of his ability and willingness to...

BLUMENTHAL:

(Inaudible.)

THOMPSON:

... enforce the law. I -- we all go about choosing our friends in different ways. I have friends with all kinds of different political philosophies, all kinds of different beliefs, liberal friends, conservative friends.

But when you go to the character of Senator Sessions, as someone who's going to be the Attorney General of the United States, and his willingness to enforce all laws in an aggressive and fair and impartial manner, I have no problem with him. I don't -- I think he will be a very good Attorney General.

You may not believe in that, in terms of my own background, but I've practiced law for 43 years. I've spent a lot of time being concerned about diversity in our profession. I've spent a lot of time being concerned about equal rights. Jeff Sessions will be a very good Attorney General, and I have no problem with his character as it relates to his willingness to enforce our laws.

BLUMENTHAL:

Wouldn't you agree that there is a continued need for enforcement of voting rights laws in the South and other areas of the country? I'm not singling out the South.

THOMPSON:

Yes. Yes.

BLUMENTHAL:

And wouldn't you urge Senator Sessions that a decision that essentially guts one of the essential features of that law is not really good news for the South or the country?

THOMPSON:

I've never been a legislator, but that really will not be his concern as Attorney General. That will be the concern of this Committee in terms of dealing with legislation that might change and improve the voting rights laws.

BLUMENTHAL:

Thank you. Mr. Vazquez, have you submitted information to the federal government in connection with your status? And do you know of others who have as well, who could be subject to enforcement actions as a result of information that they provided the federal government?

VAZQUEZ:

I have -- obviously, I am now a U.S. citizen. But what -- before this specific case, I did submit a lot of information and I would have been subject to deportation before then. I know friends that have been -- they have submitted all their information. They have been (inaudible) under DACA, that are currently in a situation that could be -- possibly be affected by a cessation of DACA.

BLUMENTHAL:

Yesterday I questioned Senator Sessions about the status of those individuals who have submitted information, and they find that information in effect used against them, which I think would be drastically unfair. And I asked him, as the nation's legal conscience, not just the president's counsel, but as the nation's lawyer, to exercise some moral and legal oversight to assure that there is no unfairness in -- against those individuals.

They have, in effect, trusted the government. They've entrusted the government with that information. It's not a criminal double jeopardy issue, but my feeling is that many of them may be, in a sense, victims of their own honesty, coming forward to provide that information.

Have you found among your friends a feeling of uncertainly, apprehension, fear that that information could be used against them?

VAZQUEZ:

The biggest sense that I get from my friends is the sense of fear, mostly due to the fact that we are not sure if DACA is going to continue, right? And the fact that their names are out there, they raised their hands to enter (inaudible) entered into the United States, and the fact that the top law enforcement of the country has voted against them every single chance they've gotten a chance.

Their -- the biggest issue is, like you mentioned, that he's not going to be able to deport 800,000 people, and the fact that that means that we're going to remain in the country, then how is that going to give us confidence to report crimes committed against us and feel that that's going to be processed in a judged (ph) manner.

BLUMENTHAL:

Thank you. Thanks. Thank you, Mr. Thompson, both of you, for your very helpful answers. Thank you.

GRASSLEY:

Senator Kennedy.

KENNEDY:

Thank you, Mr. Chairman. I listened to your testimony this morning, and it's occurred to me you're all very, very smart people. If I struggle with your name, it's because I can't see your name over here in my little corner, but I'm going to try to be brief.

How many of you are -- you can just give me a show of hands. How many of you support Senator Sessions? And how many of you oppose?

Does anybody know many lawyers there are in the United States? Do you know, Professor? Any idea?

COLE:

Some would say too many.

KENNEDY:

Yes. I knew you was going to say that.

COLE:

I don't know the precise number.

KENNEDY:

OK. A couple hundred thousand, at least. I'm a lawyer...

COLE:

And that's in D.C. alone.

KENNEDY:

Yes, really. I don't know how many Democrats and how many Republicans there are. But is there anybody on this panel who doubts that if the President-Elect had nominated an attorney to be Attorney General who happens to be a Republican, that the Democratic Party could not produce witnesses to say that he would be a bad Attorney General? Does anybody doubt that, in this environment?

Is there anybody here who doubts that if the President-Elect had nominated a Democrat, an attorney who happens to be a Democrat, to be Attorney General of the United States, that the Republican Party could not or would not produce witnesses to say that he would be a bad Attorney General? Does anybody doubt that?

Thank you very much.

GRASSLEY:

Senator Hirono.

Maybe I should say what our plans are. I believe that we have all the questioning done on our side, so when these two are done, it would be my idea to adjourn, and then at 1 o'clock bring back the panel that is scheduled for the next one after this panel. So, we told -- we've informed people that regardless of when we quit here, we'll be back at 1 o'clock.

Go ahead, senator from Hawaii.

HIRONO:

Thank you, Mr. Chairman, and I thank all of the panelists this morning.

Dr. Brooks, I have some questions for you. Post-Shelby, the burden of going forward to show that a voter requirement law is discriminatory now rests with organizations, individuals, such as the NAACP, correct?

BROOKS:

Yes, Senator.

HIRONO:

And prior to Shelby, the pre-clearance really put the burden on states to show that whatever laws they were contemplating in this area, they had to show that this was not a discriminatory act on their part.

BROOKS:

States with a history of...

HIRONO:

Yes, I realize.

BROOKS:

Yes.

HIRONO:

So, in this area of voting rights, they -- there's no question in my mind that who bears the burden to go forward to prove something has a very high burden. And at this point, that burden is really up to organizations like yours, unless the Attorney General comes in, as they did in the North Carolina and Texas voting cases, to come in and weigh in and be a party.

So, I asked Senator Sessions yesterday whether he would be just as vigorous in paying attention to these kinds of laws that have been enacted, by the way, by states, some 13 or 14 states now, post-Shelby.

So my question to you is, recognizing that the Attorney General has very broad prosecutorial discretion, the Attorney General cannot prosecute every violation of law. That is -- even he admitted yesterday that that would be pretty hard, given the resources. So, the Attorney General has to make some priority decisions.

So, in your view, how high a priority would the enforcement of voting rights, such as the remaining Section 2 of the VRA and civil rights laws under Jeff Sessions as Attorney General? How high a priority would those kinds of enforcement actions be? And thank you (ph).

BROOKS:

Based -- Senator, based upon the record, we have no reason to believe it would be a high priority. And with -- in the two states that you noted, North Carolina and Texas, our state conferences of the NAACP, with our lawyers, went to court. We are in fact, in many ways, partners with the Department of Justice. That partnership presupposes that the Department of Justice, the leadership, the prosecutors are willing to see voter suppression.

And when I began my career at the Department of Justice in the Civil Rights Division, one of the things that I was advised by my supervisors, by my management, was the first thing you do when you conduct an investigation is just reach out to the local branch of the NAACP. So, we bear a heavy burden, but it is a burden that we'd like to shoulder with the Department of Justice that is willing to see what we see.

HIRONO:

Ms. Swadhin -- Swadhin, excuse me. Would you have some question as to about how high a priority prosecution of hate crimes or crimes against the LGBT community would be under a Jeff Sessions as Attorney General?

SWADHIN:

Absolutely, Senator Hirono. I think it's worth saying that the Violence Against Women Act is one of the pieces of legislation in this country that has always enjoyed strong bipartisan support.

In fact, Senator Leahy was the sponsor of the 2013 version, but Senator Crapo on the Republican side co-authored the bill. And there were only 22 senators who voted against it. Senator Sessions was one of those. So he broke with the majority of the Republican Party to vote against that 2013 version.

He argued yesterday that the reason he voted against that 2013 Violence Against Women Act was because he had concerns about fiscal mismanagement and wanted harsher penalties. But the fact is that the bill that passed did include provisions to include fiscal and reporting accountability to address the rape kit backlog, to strengthen the prosecution of sex crimes.

The big difference between the bill that passed and the so-called alternative bill that he was trying to argue was the -- you know, the thing that he voted for, was the non-discrimination clause for LGBT survivors. And that -- those discriminate -- non-discrimination provisions were put into the bill that Senators Leahy and Crapo co-authored because national networks of victims service advocates were hearing from people on the ground, domestic violence shelters, rape crisis centers, counselors, that LGBT survivors were being discriminated against.

So, for Senator Sessions to go out on a limb, break with the majority of the Republican Party, and vote against that legislation, to me shows he has a strong bias against the LGBT community, which is also shown in his voting record against the Federal Hate Crimes Act, that did also pass with a lot of bipartisan support, the Shepard-Byrd Bill. And he, of course, also voted for a constitutional ban on same-sex marriage.

HIRONO:

Thank you. Mr. Vazquez, thank you for coming and testifying. As an immigrant myself, I certainly share your concerns about what would happen to the 800,000 DREAMers who have come out of the shadows if DACA is rescinded.

Now, they Department of Defense has a program whereby they will accept DREAMers if they have come out to participate in DACA, to enlist. And clearly if DACA is rescinded, then the Department of Defense program will also end. So, as someone who's serving in the military, what do you say to people who say that -- who question DREAMers who want to put on a uniform, serve our country, defend our country.

VAZQUEZ:

Well, thank you, Senator Hirono.

I would say that, having deployed and having seen combat, I care more that the person who was right next to me, right, was willing to commit the same sacrifices that I was.

And to question the reason why a lot of -- why I would join the military, being that this country raised me since I was a young child, I would say that they definitely get to know one of us, because that is not necessarily a fair statement, as to the reason why we would join the military. And I think that the mere fact that students are -- that young people that are benefited by DACA are willing to put their life on the line to make that statement is something powerful to show.

HIRONO:

Thank you. I am running out of time, but I had a very short question for -- again, for Dr. Brooks, regarding consent decrees, with police departments. How important are these consent decrees, that they remain in place?

BROOKS:

Critically important, when you cross the -- crisscross the country from Baltimore to Ferguson and to Cleveland. The consent decrees provide a kind of bridge of accountability between police departments and the community that are enforceable. And bear in mind, this is not something that is imposed, but the parties agree to. And so they have legitimacy. They are an effective tool for the Department of Justice.

And in the moment in which we have 2,100 Americans who lose their lives at the hands of the police over the course of the last two years, when a young black man is 21 times more likely to lose his life at the hands of the police, and where you have predatory policing and these viralized videos of police-involved killings, consent decrees offer a measure of reassurance that someone's paying attention, the department's being held accountable, and that the community has a role to play that will be recognized by the courts. So they're critically important.

HIRONO:

And I want to note that the vast majority of police departments, say (ph) 18,000 or so, they are doing the right thing. There are about 20 consent decrees that we're talking about.

Thank you very much, Mr. Chairman.

GRASSLEY:

Senator Klobuchar.

KLOBUCHAR:

Thank you very much, Mr. Chairman. I thought I'd start with kind of a different topic with you, Mr. Cole. It's about the freedom of press. My dad is a -- was a longtime reporter with the Minneapolis paper, and it's been something that's been important to me my entire life. And I actually asked Senator Sessions about this, because he didn't support the Free Flow of Information Act that we considered in this Committee.

And then I specifically asked about how, in 2015, the Attorney General had revised the Justice Department rules for when federal prosecutors can subpoena journalists for their records, and as - - also Attorney General Holder had committed to releasing an annual report on any subpoena issues or charges made against journalists and committed not to put reporters in jail for doing their job. And I wasn't really able to get a straight answer. Senator Sessions said he'd look back at the rules, and I will ask him on the record about it, because I don't have a concrete answer.

But I just wondered if you could comment on the importance of the freedom of the press, and some of these issues I raised in trying to keep these rules in place.

COLE:

Well, thank you, Senator Klobuchar.

The freedom of the press is one of the critical aspects of our Constitutional order. It is -- it serves a critically important checking function on government overreach. And it performs that function especially critically in times when one party controls all the branches of the federal government.

So freedom of the press is absolutely critical. You look back, and you look at the role the press played in Watergate, and you look forward and you imagine what kinds of investigations might need to be undertaken in light of some of the allegations we've heard recently about Russia and the Trump campaign. And I think it becomes very clear that our country's democracy depends upon a protection of the freedom of the press.

KLOBUCHAR:

Thank you very much. Mr. Canterbury, thank you for being here. You have a number of members in our state, and I enjoy working with them. I know we've worked together on a number of things.

I wasn't able to ask Senator Sessions yesterday, with our time limits, about the COPS program. And, as you know, in the House it tended to be more bipartisan. I lead the bill in the Senate, and I did get -- Senator Murkowski, the Republican of Alaska is doing it with me. But could you comment on the importance of that program and maybe you will work with me in working with the Attorney General to get his support for this program?

CANTERBURY:

Yes, it's a very important program. And I think that with the sharp decrease in the staffing levels around the United States, that bill's very important, especially in the major cities that have a rising

crime rate. And we'll be glad to work with the Attorney General and obviously with this committee to do anything to help move that program forward.

We have a real problem with recruitment and retention of police officers.

KLOBUCHAR:

Very good. I know that's an issue and we want to recruit police officers, get more diversity into our police, more women, and just in general recruit more police officers, so I appreciate that as well, as work on training issues. And that's something I hope we'll focus on in this committee. So, thank you.

Mr. Brooks, I asked yesterday -- my lead questions were about the Voting Rights Act. I know a lot of my colleagues have focused on those issues as well, today. But I just want to go back. I came in -- I had another hearing in the Commerce, for Elaine Chao. And I heard Senator Graham, my friend, who I just traveled with for a week in Ukraine and other places, talking about the voter fraud issues.

And I used to prosecute these cases, because I was the prosecutor for our biggest county in Minnesota, over a million people. And I know we would studiously, with an investigator, go through every report. And in almost everything that was reported as potential fraud, it was a father and son with the same name, and it wasn't fraud at all.

And I think we had one guy that said to our investigator on the phone, over five years, that, yes, he had voted twice because he wasn't able (ph) -- he felt he couldn't get his views expressed. And then, of course, we charged him with a crime.

And then we had another person -- and this is over eight years in the office, who -- a husband and wife where a school district line had split down the middle of their house, and they decided that should allow them to vote twice.

But these were the cases of fraud that we encountered. And in fact, this is backed up by the numbers. One study found that 31 cases of voter fraud, out of one billion votes cast. And I just think it's really important for people to understand how rare this is. And I know you know this, and why it's so important to look at the other side of the ledger, which is doing everything to make it easy for people to vote.

My state has the highest voter turnout in the nation in the last election. Iowa is close. It doesn't necessarily mean you have a Democrat or Republican in office, as we know from our two states. And Wisconsin is another high voter turnout. I just think it should be such a priority to get more people out to vote. And if you could talk about that.

BROOKS:

Certainly, certainly. The NAACP, as an organization, we believe that the right to vote is a civic sacrament. We honor it. We literally have members of our organization literally laid down their

lives for the franchise. We dedicate tremendous resources to ensure that people vote. In 2012 we led the nation in terms of voter mobilization. And these are grass root volunteers.

But when we talk about voter fraud, it suggests somehow that there's so many people who want to vote, they're willing to commit a crime to vote. That is not the case. We need more people to vote. And the NAACP has focused on removed the barriers from voting, the obstacles to vote. We do so in a bipartisan or I should say, excuse me, in a non-partisan way all across the country.

KLOBUCHAR:

Thank you so much, Mr. Brooks. I appreciate that.

I have one last question of you, Mr. Mukasey. We worked well together when you were the Attorney General. And I know that another senator had asked you about the importance of an independent Attorney General.

But I wanted to just ask you a question about the U.S. Attorneys. I know when you came in you made some changes across the country with some of the U.S. Attorneys. And you came in in part because there were issues of political influence with regard to some of the U.S. Attorneys' offices across the country, and we certainly don't want to go back to that again. So could you talk about the importance of independent U.S. Attorneys and that they are insulated from -- with (ph) politics.

MUKASEY:

The fact is that the U.S. Attorneys, as you know, are political appointees. They are appointed by the president.

KLOBUCHAR:

Yes.

MUKASEY:

That said, once they are appointed, they are -- their charge is then to do essential what the Attorney General's charge is, to judiciously (ph) enforce the law. And they have to recognize, and do recognize, that as soon as they take the oath, that's their -- that's their charge.

And they have to be supported in that by the Department, which is to say the Department has to back them up, when they are conducting investigations that have merit, and not yield to political pressure if there is any. And it's a rarity, too, that you find somebody trying to lean on an investigation. But there has to be resistance to that and it has to be backed up by the Department.

And I think if there's that kind of relationship between the Department and the U.S. Attorneys, then there will be public -- justified public faith in the -- in law enforcement. If there isn't, there won't. That's very damaging.

KLOBUCHAR:

Thank you very much. I appreciate it. Thank you, (inaudible).

GRASSLEY:

I thank all of you for your testimony. It's been very beneficial for both those opposed to and those in favor of Senator Sessions for Attorney General.

The hearing will stand in recess until 1 o'clock.

(RECESS)

GRASSLEY:

Welcome to this panel. I've just got three or four sentences I want to read and then I'll introduce the panel.

We've come back this afternoon for our third and final panel. We've not done this when we've held hearings for the past several attorneys general. But Ranking Member Feinstein called me last week and made a special request for this panel, and I'm doing my best to conduct this proceeding fairly.

We will hear from each witness for five minutes. We have agreed that we won't ask any questions of the witnesses and we'll adjourn when we've heard the last witness.

And now I would like to introduce the witnesses.

LEAHY:

Mr. Chairman, we know that the attorney general's responsible for protecting the civil and human rights of Americans. And that's why many are worried, as you've seen in these hearings. Senator Booker and Congressman Lewis, Congressman Richmond bring to the discussion an important perspective about the basic rights enshrined in the Constitution and how we try to form a more perfect union that continues with every generation.

Congressman Lewis has been a friend of mine for decades. We've served together. He nearly gave his life for that effort.

I invited Congressman Lewis to this committee before for important conversations about marriage equality, voting rights. The stakes are just as high. I'm sorry we've broken with the committee tradition and made these members of Congress wait until the very end of the hearing to speak. That's not the way I as chairman would do and other chairmen have, but that's what we have.

But I commend Senator Booker and Representative Lewis and Representative Richmond for their courage. I'm proud to serve with them. I thank them for being here.

GRASSLEY:

Thank you, Senator Leahy.

My colleague, Senator Booker, is from New Jersey. I know him well and we all know him. We appreciate your coming over to testify.

We will hear from Mr. Willie Huntley. Mr. Huntley is a former assistant U.S. attorney in the Southern District of Alabama who worked under Senator Sessions when he served as U.S. attorney there. And he has known Senator Sessions for nearly 30 years.

And then we will hear from a well-known civil rights leader, Representative John Lewis, who represents Georgia's 5th District. Welcome back to the committee, Congressman Lewis. It's always good to have you here.

After Representative Lewis, we will hear from the honorable Jesse Seroyer who served as U.S. marshal for the Middle District of Alabama, 2002 to 2011. He first got to know Senator Sessions in 1995 when he worked for him in the Alabama Attorney General's Office.

Next we will hear from Representative Cedric Richmond who serves the people of Louisiana's 2nd Congressional District and is chair of the Congressional Black Caucus. Welcome to the committee, Congressman Richmond.

Finally, we will hear from Mr. William Smith. Mr. Smith worked for Senator Sessions as the first African-American general counsel on the Senate Judiciary Committee. He has known Senator Sessions for 20 years and we know him because of that service as a staff person here as well.

Welcome to all of you and we'll start with Senator Booker.

BOOKER:

Thank you, Chairman Grassley.

I want to thank Senator Leahy as well, as well as the distinguished members of this committee.

I know it is exceptional for a senator to testify against another senator nominated for a Cabinet position. And I appreciate the opportunity you have given me today.

I've worked closely with many of you on this panel on both sides of the dais on matters related to criminal justice reform, and you know just how deeply motivated I am by the many issues our next attorney general will heavily influence, especially the crisis of mass incarceration.

I know that some of my many colleagues are unhappy that I am breaking with Senate tradition to testify on the nomination of one of my colleagues, but I believe, like perhaps all of my colleagues in the Senate, that in the choice between standing with Senate norms or standing up for what my conscience tells me is best for our country, I will always choose conscience and country.

While Senator Sessions and I have consistently disagreed on the issues, he and I have always exercised a collegiality and a mutual respect between us. Perhaps the best example of this is the legislation we cosponsored to award the Congressional Gold Medal to those foot soldiers who marched at Selma. One of the foot soldiers is sitting next to me now. This was a blessing and an honor to me because in 2015, a retired judge, who was white, told me that it was those brave marchers on the Edmund Pettus Bridge who inspired him as a young lawyer in the 1960s to seek justice for all in New Jersey and begin representing black families looking to integrate white neighborhoods, black families who were turned away and denied housing.

One of those families was mine. I am literally sitting here because of people, marchers in Alabama and volunteer lawyers in New Jersey, who saw it as their affirmative duty to pursue justice, to fight discrimination, to stand up for those who are marginalized. But the march for justice in our country still continues, it is still urgent.

I know also, though, of the urgency for law and order. I imagine that no sitting senator has lived in the last 20 years in higher-crime neighborhoods than I have. I have seen unimaginable violence on American streets. I know the tremendous courage of law enforcement officers who put their lives on the line every single day to fight crime in America. I want an attorney general who is committed to supporting law enforcement and securing law and order, but that is not enough.

America was founded heralding not law and order, but justice for all. And critical to that is equal justice under the law. Law and order without justice is unobtainable. They are inextricably tied together. If there is no justice, there is no peace. The Alabama state troopers on the Edmund Pettus Bridge were seeking law and order. The marchers were seeking justice and, ultimately, a greater peace.

One of the victories of the modern civil rights movement was the 1957 Civil Rights Act which, in effect, made the attorney general not only the chief law enforcement officer of the United States, but also vested in that office the responsibility to pursue civil rights and equal protection for all of America.

Senator Sessions has not demonstrated a commitment to a central requisite of the job, to aggressively pursue the congressional mandate of civil rights, equal rights and justice for all of our citizens. In fact, at numerous times in his career he has demonstrated a hostility towards these convictions and has worked to frustrate attempts to advance these ideals.

If confirmed, Senator Sessions will be required to pursue justice for women, but his record indicates that he won't. He will be expected to defend the equal rights of gay and lesbian and transgender Americans, but his record indicates that he won't. He will be expected to defend voting rights, but his record indicates that he won't. He will be expected to defend the rights of immigrants and affirm their human dignity, but the record indicates that he won't.

His record indicates that as attorney general he would object to the growing national bipartisan movement towards criminal justice reform. His record indicates that we cannot count on him to support state and national efforts towards bringing justice to the justice system and people on both

sides of the aisle who readily admit that the justice system as it stands now is biased against the poor, against drug addicted, against mentally ill and against people of color.

His record indicates that a time that even the FBI director is speaking out against implicit racial bias and policing and the urgent need to address it, at a time when the last two attorney generals have taken steps to fix our broken criminal justice system, at a time when the Justice Department he would lead has uncovered systemic abuses in police departments all over the United States, including Ferguson, including Newark, Senator Sessions would not continue to lead this urgently needed change.

The next attorney general must bring hope and healing to the country. And this demands a more courageous empathy than Senator Sessions's record demonstrates. It demands an understanding that patriotism is love of country and love of country demands that we love all of our citizens, even the most marginalized, the most disadvantaged, the most degraded and the most unfortunate.

Challenges of race in America cannot be addressed if we refuse to confront them. Persistent biases cannot be defended unless we combat them. The arc of the moral universe does not just naturally curve towards justice, we must bend it.

If one is to be attorney general, they must be willing to continue the hallowed tradition in our country of fighting for justice for all, for equal justice, for civil rights. America needs an attorney general who is resolute and determined to bend the arc. Senator Sessions's record does not speak to that desire, intention or will.

With all that's at stake in our nation now, with the urgent need for healing and for love, I pray that my colleagues will join me in opposing his nomination.

Mr. Chairman, my time is over. I'd like to submit the rest of my testimony to the record. I'd like to again thank you for your opportunity to testify. And finally, I'd like to acknowledge, which was not done, that sitting behind me are proud members of the United States Congress and the Congressional Black Caucus.

Thank you, sir.

GRASSLEY:

And you shouldn't have had to recognize them, I should have done that. I'm sorry.

BOOKER:

Thank you, sir.

GRASSLEY:

Because I knew they were here.

Mr. Huntley.

HUNTLEY:

(OFF-MIKE)

GRASSLEY:

Yeah, you've got to push the button.

HUNTLEY:

I see, thank you. I'll start over briefly.

GRASSLEY:

And you might pull the mike a little close to you, get as close as you can.

HUNTLEY:

Good afternoon. That's much better. My name is Willie Huntley and I'm an attorney located in Mobile, Alabama. I'm a solo practitioner and I have been practicing law for over 30 years.

I'm a graduate of Auburn University where I attended college on a football scholarship. I graduated from Auburn in 1980 and I attended Cumberland Law School after that. I finished Cumberland Law School in 1984. After I finished law school, I started a federal clerkship with a federal judge in Montgomery, Alabama. After I completed that process, I began a tour with as an assistant district attorney in Macon County, Alabama. I was there from 1985 to 1987.

Then my life changed. I got a phone call one day and my secretary comes in the office and she says Jeff Sessions is on the phone. And I'm sitting there wondering, why is Jeff Sessions calling me? I was well-aware of the allegations that had happened in his bid to become a federal judge, which made me wonder why he was calling me.

I answered the phone and then I find out that Jeff Sessions wants me to become an assistant United States attorney in the Southern District of Alabama. This presented an ideal situation, so I decided to take advantage of that. And the first time I actually met him was at a dinner in Montgomery. That dinner was supposed to last probably an hour, hour-and-a-half. We ended up meeting for about three hours.

During that time period, we discussed a number of topics, football, religion, politics, family, we talked about all those things. And during the course of that meeting with him, I got the feeling more and more and more that the allegations that had been spread through the press weren't true.

I also was contemplating whether I should make this move because I thought, if I go to Mobile, I don't know anybody there, I have no family there. And what if this man turns out to be exactly how he's been portrayed?

Fortunately, it didn't turn out like that. I was at the U.S. Attorney's Office from 1987 to 1991. He assigned me the general criminal trial cases. He also assigned me to civil rights cases and I would supervise all the civil rights cases that came through the office. During this time period, I can recall where we successfully prosecuted a police officer that was charged with excessive use of force.

Unfortunately, I made a decision to leave the U.S. Attorney's Office in 1991. That decision wasn't based on anything that had happened to me during my time period in the U.S. Attorney's Office. During that time period, Jeff gave me advice, counsel. He provided a great deal of support in everything that I did. One thing in particular that he did was, my second child was born and there was a knock on the door that morning and through the door walks Jeff Sessions.

After I left the U.S. Attorney's Office, Jeff became the attorney general of Alabama. He asked me to join his staff at that time, but I declined to join his staff. However, he made me a special assistant attorney general and he put me in charge of handling defense cases for the state of Alabama.

Also during this time period, Jeff became charged with violating the state of Alabama ethics act. It involved a company by the name of Tyco. Jeff Sessions could have hired any lawyer he wanted to to represent him in that matter. Jeff decided to hire me in that particular case. We had that case, and during the course of it it was probably the longest hearing that had ever been held before the state Ethics Commission. At that point, Jeff was fully exonerated of all the charges involving the state ethics act.

One of the things that I can say about Jeff is that he has always been the same person that I have known. He has always been available for me and always been there when I needed him. At no point in the time that I've known Jeff has he demonstrated any racial insensitivity.

And I see my time is rapidly winding down and I would just like to say that, in my opinion, Jeff Sessions will enforce and follow the laws of the United States evenhandedly, equally and with justice for all. Jeff Sessions will adhere to the Justice Department motto "qui pro domina justitia sequitur." It means "for the lady justice," Jeff will protect and defend the rights of all people.

Thank you so much for this opportunity.

GRASSLEY:

Thank you.

Now we'll hear from Congressman John Lewis.

LEWIS:

Chairman Grassley, Senator Leahy and members of the committee, thank you for inviting me to testify today.

Millions of Americans are encouraged by our country's efforts to create a more inclusive democracy during the last 50 years. But what some of us call a beloved community, a community at peace with itself, we are not a minority, a clear majority of Americans said they want this to be a fair, just and open nation. They are afraid that this country is headed in the wrong direction. They're concerned that some leaders reject decades of progress and want to return to the dark past when the power of law was used to deny the freedoms protected by the Constitution, the Bill of Rights and its amendments. These are the voices I represent today.

We can pretend that the law is blind. We can pretend that it is evenhanded. But if we are honest with ourselves, we know that we are called upon daily by the people we represent to help them deal with unfairness is how the law is written and enforced. Those who are committed to equal justice in our society wonder whether Senator Sessions call for law and order will mean today what it meant in Alabama when I was coming up back then.

The rule of law was used to violate the human and civil rights of the poor, the dispossessed, people of color. I was born in rural Alabama not very far from where Senator Sessions was raised. There was no way to escape or deny the choke-hold of discrimination and racial hate that surrounded us. I saw the signs that said "white waiting, colored waiting." I saw the signs that said "white men, colored men, white women, colored women." I tasted the bitter fruits, the bitter fruits of segregation and racial discrimination.

Segregation was the law of the land to order our society in the Deep South. Any black person who did not cross the street when a white person was walking down the same sidewalk, who did not move to the back of the bus, who drank from a white water fountain, who looked a white person directly in their eyes could be arrested and taken to jail.

The forces of law and order in Alabama were so strong that to take a stand against this injustice we had to be willing to sacrifice our lives for our cause. Often the only way we could demonstrate that a law on the books violated a higher law was by challenging that law, by putting our bodies on the line and showing the world the unholy price we had to pay for dignity and respect.

It took massive, well-organized, nonviolent dissent for the Voting Rights Act to become law. It required criticism of this great nation and its great laws to move toward a greater sense of equality in America. We had to sit in, we had to stand in, we had to march.

And that's why more than 50 years ago a group of unarmed citizens, black and white, gathered on March 7th of 1965 in an orderly peaceful, nonviolent fashion to walk from Selma to Montgomery, Alabama to dramatize to the nation and to the world that we wanted to register to vote, wanted to become participants in a democratic process.

We were beaten, teargassed, left bloody, some of us unconscious, some of us had concussions, some of us almost died on that bridge. But the Congress responded, President Lyndon Johnson

responded and the Congress passed a Voting Rights Act and it was signed into law on August 6th, 1965.

We have come a distance, we have made progress, but we are not there yet. There are forces that want to take us back to another place. We don't want to go back. We want to go forward. As the late A. Philip Randolph, who was the dean of the march on Washington in 1963, often said, "Maybe our forefathers and our foremothers all came to this great land in different ships, but we're all in the same boat now."

It doesn't matter how Senator Sessions may smile, how friendly he may be, how he may speak to you, but we need someone who's going to stand up, speak up and speak out for the people that need help, for people who have been discriminated against. And it doesn't matter whether they're black or white, Latino, Asian American or Native American, whether they are straight or gay, Muslim, Christian or Jews. We all live in the same house, the American house.

We need someone as attorney general who's going to look out for all of us and not just for some of us.

I ran out of time. Thank you for giving me a chance to testify.

GRASSLEY:

Thank you, Congressman Lewis.

Now I go to Mr. Seroyer.

SEROYER:

Chairman, senators of the committee, it's an honor for me to be here and I thank you for your time.

My name is Jesse Seroyer Jr. I've been in law enforcement since 1976 to 2016. I've served in local police departments for 11 years, served in the United States Marshal Service for eight-and-a-half years, served in the attorney general's office for 20 and one-half years.

I first met Jeff Sessions when he was U.S. attorney in the Southern District of Alabama. Jeff prosecuted at that time a klansman by the name of Henry Hays. Jeff prosecuted that person for the abduction and murder of a black teenager.

Following Jeff's selection as attorney general, I had the privilege to serve with him and his administration as its chief investigator. The beginning of Jeff's tenure as attorney general presented Senator Sessions with challenges that included budget crisis and a one-third reduction of staff.

The things that Jeff did when we came to the budget crisis and the reduction of staff, there were several people in the office that had to seek other jobs elsewhere. There was a black investigator in the office that came and had less than a year left before he was eligible to retire. Jeff Sessions

allowed that to take place. He didn't have to do that. He did not have to do that at all because of the situation that we were in. Jeff Sessions retained me. He did not have to do that, but he did.

Following the election, you know, we were charged with the responsibilities of a lot of crimes and the expectations of the attorney general was charged with the responsibilities of working various cases which included white-collar crimes, public corruption, voter fraud and criminal investigations.

As I reflect on our work, there was never a time when any of these cases was investigated with any political agenda or motive. The utmost respect and integrity was exercised for all individuals involved. Jeff Sessions's service and decisions as attorney general earned him a reputation and respect among his colleagues and appreciation for his willingness to do what was right.

When Jeff Sessions got to the U.S. Senate, as attorney general, he had argued to uphold the conviction and sentence of Klansman Henry Hays for the murder of Michael Donald. When Jeff Sessions became U.S. senator, he helped me be appointed for the United States Marshal for the Middle District of Alabama. He did not have to do that, but he did.

I've known Jeff Sessions for 20 years. He's a good and decent man. He believes in law and order for all the people.

All the people in Alabama, because of his colleagues and all that surrounded him, the things that he's done for the law enforcement community and the citizens of Alabama is great. It's without any questions as to whether or not he will be fit to serve this country as the United States attorney general.

Now, I did not learn these things from a political press conference or any website where I read about him. I know Jeff Sessions as the man, the man that I know is a decent and honest and respectful man that will put all of his life into public service because he's done that.

When we talk about the criminal justice system, we enforce the laws and we do it because we have a love for the laws. Jeff Sessions loves the people that do the enforcement side of it. He respects that citizens deserve a good and honest person that's going to give all he has to make sure that everyone is treated equally and fairly under the law.

But his decency as a man and his honesty as a man speak for itself. He's the type of individual that I support for the United States attorney general's office because of my reputation and his history with me as a person and the things that I've seen over the years in Jeff Sessions.

It's hard being a public servant. I was in law and been in law enforcement for 40 years. It's a tough job. We don't violate the laws, we don't get out there and do things that would cause ourselves to be brought into the system. And I'm not saying everybody is the same, but I believe that he'll take hold of the justice system, the Justice Department, and he'll be fair, he will be honest and he'll do the same thing for every person, with honesty and respect for all of us.

My time is up. And thank you for listening.

GRASSLEY:

Thank you, Mr. Seroyer.

Now Congressman Richmond. Congressman Richmond?

PROTESTERS:

(OFF-MIKE)

GRASSLEY:

Wait just a minute, Congressman.

RICHMOND:

... ranking member for allowing me to testify.

PROTESTERS:

(OFF-MIKE)

RICHMOND:

Let me thank the chairman and ranking member for allowing me to testify. The Senate's duty to provide advice and consent to presidential nominees is a fundamental component of American democracy. I know that you do not take this responsibility lightly.

Before I jump into my substantive testimony, I want to address two timely issues. First, I want to express my concerns about being made to testify at the very end of the witness panels. To have a senator, a House member and a living civil rights legend testify at the end of all of this is the equivalent of being made to go to the back of the bus. It is a petty strategy and the record should reflect my consternation at the unprecedented process that brought us here.

My record on equality speaks for itself and I don't mind being last. But to have a living legend like John Lewis handled in such a fashion is beyond the pale and the message sent by this process is duly noted by me and the 49 members of the Congressional Black Caucus and the 78 million Americans we represent and the over 17 African Americans that we represent.

Further, on the issue of Senator Sessions's record of prosecuting the Marion Three stemming from a complaint filed by African Americans, I say the following. History is replete with efforts by those in power to legitimize their acts of suppression and intimidation of black voters by recruiting other blacks to assist in bringing trumped-up charges against law-abiding citizens who are engaged in perfectly legitimate voter education and empowerment activities. Those tactics were effectively used against former Congressman Robert Smalls and hundreds if not thousands of black

officeholders and landholders in our post-reconstruction era. And they were used several years ago against Mr. and Mrs. Alfred Turner who were discussed by this committee yesterday.

The Declaration of Independence set forth the idea of universal equality that rest at the heart of our democracy. But it is the 14th Amendment to our Constitution and its equal protection clause that has helped bring us closer to fulfilling that foundational principle and bringing us closer to a more perfect union.

All Cabinet officials have a responsibility to protect the interests of all of the American people, but there is no office for which the duty to apply the law equally is greater than that of the attorney general. In my capacity as chairman of the Congressional Black Caucus, I urge you to reject Senator Sessions's nomination.

Throughout our nation's history, attorney generals have used the resources of the federal government to vindicate the rights of the most vulnerable in society. After the Civil War, the first attorney general to lead the DOJ, Amos Akerman, prosecuted the KKK for its widespread use of violence aimed at suppressing the black vote. This facilitated massive black voting turnout in 1872. For the first time in our nation's history, former slaves were afforded the opportunity to participate in the democratic process.

Simply put, Senator Sessions has advanced an agenda that will do great harm to African-American citizens and communities. For this reason, the CBC believes Senator Sessions should be disqualified. He has demonstrated a total disregard for the equal application of justice and protection of the law as it applies to African Americans and falls short on so many issues.

Jeff Sessions supports a system of mass incarceration that has disproportionately targeted African-American citizens and devastated African-American communities. He opposed common-sense, bipartisan criminal justice reform. And Jeff Sessions cannot be relied upon to enforce the Voting Rights Act.

In his decades-long career in public life, Senator Sessions has proven himself unfit to serve in the role as attorney general. And I would not have the opportunity to testify today if it were not for men like John Lewis who was beaten within an inch of his life in his pursuit for the right to vote for African Americans. It's a shame that he must sit here and re-litigate this 50 years later.

We sit here as the prodigy of men and women who were bought, sold, enslaved, raped, tortured, beaten and lynched. Black people were bought as chattel and considered three-fifths of a human being. However, we have been able to endure and largely overcome that history thanks in part to brave men and women, both Democrat and Republican, who sat where you sit and cast often-difficult votes for freedom and equality. These senators fought public opinion and even their own party to do what was right. I come before you today asking you to do the same.

Now, you all must face a choice: be courageous or be complicit. If you vote to confirm Senator Sessions, you take ownership of everything he may do or not do in office. He has no track record of fighting for justice for minorities, despite the characterizations that you have heard from others

today. He and his supporters have told you that he is a champion for civil rights and equality. Characterization and revisionist histories are not the same things as facts.

He is on the record on numerous issues. I have provided just a few examples today. Let's think about this logically. If he were in fact a champion for civil rights, wouldn't the civil rights community support his nomination instead of speaking with one voice in near- unanimous opposition?

In closing, each and every senator who casts a vote to confirm Senator Sessions will be permanently marked as a co-conspirator in an effort to move this country backwards towards a darker period in our shared history. So I ask you all, where do you stand?

It is clear from Senator Sessions's record where he stands. Will you stand with him and allow history to judge you for doing so? I implore you all to weigh these questions properly as you prepare to cast what will be one of the most consequential votes in your time as a United States senator.

"Res ipsa loquitur" is a legal term which means "the thing speaks for itself." Senator Sessions's record speaks for itself. And I would urge you not to confirm Senator Sessions as attorney general of the United States.

And thank you, Mr. Chairman, for allowing me to go over.

GRASSLEY:

Thank you, Congressman Richmond.

Now I call on Mr. Smith.

SMITH:

Chairman Grassley, members of the committee, I ask that my written statement be made a part of the record.

GRASSLEY:

It will be and that's true of Senator Booker and anybody else that didn't get their entire statement put in the record, it will be in the record, yes.

SMITH:

It's an honor for me to be here today to support Senator Sessions to be the next attorney general of the United States of America. He will do an outstanding job.

The American people had an opportunity to witness yesterday through his testimony a brilliant legal mind, a man of the highest character and great integrity. Let me briefly address this legal mind.

As a staffer, your job is to always be more prepared than the member. Senator Sessions made this difficult. I remember one hearing where I was passing Senator Sessions note after note to make sure he was prepared. When he didn't speak on the topic I handed him, I would hand him another note on another topic. Finally, he decided to speak. He did as he did in his testimony yesterday, he crushed it. Senator Sessions was not ignoring my notes, he was systematically thinking about how to put all the notes together in one speech.

A number of my colleagues were amazed by his speech. They asked me afterwards, what did you say to him in those notes? I told them I handed Senator Sessions a blank sheet of paper and told him to make me look good, and that's what he did.

Senator Sessions spent yesterday proving to the American people that he understands the law, will disburse it equally. And he made a bunch of staffers look good.

A lot has been said about Senator Sessions's character. We've seen people who have never met Senator Sessions claim to know him and know his heart. We've seen members of this body and members of the House of Representatives just now, who have worked with Senator Sessions and praised him for his work, and now turn to attack him. This should not be.

The reason we did not see a lot of this yesterday during the hearing is because the members of this committee know Senator Sessions. You know he is a strong conservative, but you also know he's fair and honest. If you disagree with Senator Sessions because of his political views, let's have a conversation about that, but let's do it on the facts, not on 30 years of old innuendos and allegations that have been disproven.

There's something very inconsistent about praising Senator Sessions for aiding African-American communities and working on crack and powder cocaine legislation and then criticizing him because he takes a different political view on another matter, like immigration. Enforcing immigration laws is not out of the mainstream.

On the panel that testified before this one, there were personal attack after personal attack after personal attack. I doubt any one of those individuals attacking Senator Sessions outside of yesterday have spent 30 minutes in the same room with him. That's 30 minutes in the same room, not 30 minutes talking to him. I doubt any of them have spent 30 minutes or 10 minutes talking to Senator Sessions.

This process should be about facts, not about political aspirations. Every allegation and witness from 30 years ago has been discredited. Members and the media should move on.

Senator Sessions testified yesterday that he would enforce the laws, whether he agreed with them or not. That's the role of the attorney general, not to embrace every point of view in the shifting political winds. If you come before Jeff Sessions, you will get equal justice and you will respect the outcome, even if you lose.

How do I know this? I know it because I know Jeff Sessions. I'm not testifying as someone who just met him yesterday. I know his family. I've dined at his house. We've eaten Johnny Rockets burgers together. I've traveled across the state of Alabama with Jeff Sessions. I've watched him order a Heath Blizzard at Dairy Queen, quote, "heavy on the Heath." I've watched him prepare for hearings. I've debated him on legislative matters. I've written speeches for him. I've made speeches on his behalf. I've been in every political situation with him.

Senator Sessions is unquestionably qualified for the job for which he has been nominated. He's a good Christian man and a good family man. He is a man who has dedicated his life to public service. And in the course of that, he has actually fought for the disenfranchised. He fought for sentencing reform, and not only did he fight for it, he accomplished it. He fought for civil rights. He prosecuted members of the Ku Klux Klan. And, most importantly, he has fought for the liberty of all Americans, regardless of the color of their skin or their personal beliefs. This is the way it should be.

After 20 years of knowing Senator Sessions, I have not seen the slightest evidence of racism because it does not exist. I know a racist when I see one and I've seen more than one. But Jeff Sessions is not one.

Senator Sessions has served with distinction throughout his career as a United States attorney, as attorney general for Alabama and as a member of this body. The legal profession is better for his service. This body is better for his service. And this country at the end of his term will be better for his service.

In every season, Jeff Sessions has been measured, courteous and kind. He has treated me and everyone respectfully and fairly, not showing favoritism at any point. This is the account of an attorney general that our nation needs. I applaud his selection. I look forward to his swift confirmation.

Thank you, and war eagle (ph).

GRASSLEY:

The record will stay open until Tuesday. And I thank all of you for your testimony. And the hearing is adjourned.