

same President who fired an Acting Attorney General because she refused to ignore the law, to approve his hateful and unconstitutional Executive order barring refugees; the same President who ridiculed a well-respected Federal judge in Seattle, a George W. Bush appointee, because the judge didn't rule the way he wanted.

The U.S. Attorney General is often the last line of defense for our Constitution within an administration. And they need to be the first to stand up to our President when our President is wrong.

Senator JEFF SESSIONS is not that kind of nominee. The people of this country expect and deserve an Attorney General who will protect their civil and constitutional rights and liberties. They deserve someone committed to the principles of inclusiveness and justice—someone who will fiercely defend the rights of all Americans to be treated equally under the law. The American people need an Attorney General who continues to make the fight against racism, discrimination, and hate crimes a core part of that Department's mission. We know Senator SESSIONS is not the person for that job.

More than 30 years ago, he couldn't even pass muster in a Republican-majority Senate. During his confirmation hearing, Senators cited his racially charged comments and his shameful record on civil rights as a U.S. attorney as reasons they could not support him. And as my late colleague Ted Kennedy said at the time: "It is inconceivable to me that a person of this attitude is qualified to be a U.S. attorney, let alone a U.S. Federal judge."

I ask my colleagues who are inclined to support his nomination today, What has changed? I have served alongside Senator SESSIONS for years, and I know his record all too well. And like my constituents who started sounding the alarm back in November, I am deeply concerned by his agenda that would take our country backward.

Senator SESSIONS has dismissed one of our bedrock civil rights laws, the Voting Rights Act, as "intrusive," while pushing restrictive voter ID laws and fueling conspiracy theories about voter fraud. I watched as he refused to work with a bipartisan majority of the Senate on immigration reform and instead pushed extreme policies that would punish the most vulnerable members of our communities. And that, by the way, included DREAMers across the country who have never known another home besides America. His personal passion on that issue and his years of advocacy against common-sense immigration policies cause me great concern about whether he would use the Department of Justice to pursue his extreme anti-immigration agenda.

On criminal justice reform, he beat back efforts from within his own party to address the exploding rate of incarceration across this country. The injustice of these laws falls disproportionately on communities of color.

Time and again, he has defended laws that favor throwing nonviolent offenders in jail rather than working to rehabilitate them, even though it has been consistently proven that prison is not a means of rehabilitation. This nominee's views on criminal justice reform are so out of the mainstream, his position is even at odds with the Koch brothers.

At the very time our Nation engages in a critically important debate about ensuring equal treatment under the law, as we continue the struggle to make sure equality shines through our education system, our justice system, our economy, and our country, Senator SESSIONS remains dismissive of the very tools our Justice Department must use to move us forward.

When I joined so many of my colleagues in the Senate to reauthorize and improve the bipartisan Violence Against Women Act to protect women across the country, Senator SESSIONS worked against us to tear it apart. As someone who has sat face-to-face with survivors of domestic violence and fought to increase protections for those dealing with sexual assault, I can see why people would question whether Senator SESSIONS has any intention of enforcing the laws that protect them because I wonder that myself.

This nominee's track record of trying to undermine women's constitutionally protected reproductive rights is horrifying and should, by the way, scare every woman in this country.

I have heard from so many members of the LGBTQ community who are terrified that Senator SESSIONS would be tasked with protecting their rights. His votes against repealing don't ask, don't tell and expanding hate crimes definitions to include LGBTQ Americans confirm those fears.

This alone has to give my colleagues pause when so many Americans—our friends, our family members, our co-workers—fear that their government will look the other way as they endure violence, discrimination, and marginalization just because of who they love or how they live. We must fight back with everything we have.

When this President attacks the independence of our judges—judges who have declared the obvious, that the Muslim ban Executive order is unconstitutional—we cannot put the person who Steve Bannon calls "the fiercest, most dedicated and most loyal promoter" of the President's agenda at the head of the Department of Justice. This is not who we are.

Senator SESSIONS is not the Attorney General this country needs. I urge members of the Senate to stand up for the Constitution, to stand with your fellow Americans. The stakes are far too high to make Senator SESSIONS our next Attorney General.

I urge you to join with me in voting against this nomination. Now more than ever, we need an Attorney General who will be independent and willing to stand up to President Trump's

illegal and unconstitutional actions whenever they happen.

The last thing this country needs right now is a rubber stamp to validate this administration's illegal actions.

Mr. President, I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Wyoming.

Mr. ENZI. It is always disturbing to sit in this Chamber and listen to some of the speeches. I am wondering if even a saint could get approved without a filibuster in this body.

#### NOMINATION OF TOM PRICE

Mr. President, I am pleased today to come to the floor in support of another friend, someone I am honored to have worked with for many years, and that would be Dr. TOM PRICE. When I first heard that President Trump nominated Dr. PRICE to serve as Secretary of Health and Human Services, I was reassured to know that one of the most capable, well-prepared individuals President Trump could have chosen would fill such an important post.

Health care is highly complex, highly specialized, and it has a significant impact on our Nation. Our Federal Government's involvement in health care has changed dramatically over the last few decades, and that change has accelerated in the last few years. Health care makes up one-sixth of our economy, and the Department of Health and Human Services has a tremendous impact on all parts of all sectors of health care. Who better than a doctor should head an organization that covers the wide variety of major health care programs?

Let me mention just a few that a doctor should be in charge of. One would be Medicare, another is Medicaid. And then there is our vast biomedical research functions at the National Institutes of Health, usually referred to as NIH. Then there is our domestic and international public health work at the Centers for Disease Control and Prevention, or CDC; the review of innovative and lifesaving drugs and devices at the Food and Drug Administration, or FDA; or how about our preparedness in the development of medical countermeasures at the Biomedical Advanced Research and Development Authority, or BARDA; and many other programs impacting the Nation's health that also provide an alphabet of initials.

Who better to understand the most important side of health care, the patient, than one who is, at the end of the day, the person that takes care of the patient? The patient is the biggest factor in all health policies. These policies are too often put together here in Washington. Hundreds of bureaucrats sit in offices, deciding what patients ought to have done to them. Sitting here in offices without being doctors, without having treated patients, I will be glad to have someone in charge there who, instead, considers what the patient wants done.

In the Senate HELP Committee hearing with Dr. PRICE, he spoke about his

view on the importance of the patient in health care. He reiterated that again before the Finance Committee when he said: “[It is] imperative that we have a system that’s accessible for every single American, that’s affordable for every single American, that incentivizes and provides the highest quality health care that the world knows and provides choices to patients so they are the ones selecting who is treating them, when, where, and the like.”

TOM PRICE is an ideal candidate for this role. Not only does he know the health care system as a physician, he knows it as a policymaker who has been a thought leader in health care here in Congress. His resume is well rounded. He has practiced and taught medicine, he was a business owner, and he served as a legislator.

Let me repeat. He has not only practiced medicine, he has taught medicine, and he has been a business owner of a large business that dealt with health care and he served as a legislator.

His confirmation will also mark the first time since the George H.W. Bush administration that a physician has led this agency. Our health care system is in a significant time of transformation. Well before ObamaCare, there was a need to make changes that would give people more options in health insurance and to find a way to contain costs.

We have even more work to do now as patients find themselves with fewer choices and higher costs. The new Secretary’s role will be a difficult one. In the last year, our health insurance markets have teetered into unstable ground, especially in the individual market. Even with absolutely no change in the law, more and more people will lose access to health insurance coverage.

It has been suggested that the Republicans should just let the current system keep going for another year or so until the Democrats would be begging us to make changes, but we are not going to do that. We are not going to have those people go through that kind of suffering, even though there is a risk to it. We are not going to sit and wait for the system to crash. We will be working in Congress to repeal ObamaCare and reform our health care system by putting the patient first.

It will be critical to have a partner in the administration to make changes and implement the law in a way that reflects the intent of Congress and provides for full, open, and transparent input from the public. I understand that some of my Democratic colleagues have decided that being a Republican is a disqualifying characteristic for any Cabinet Secretary. It is all too easy to resort to vilification of our political opponents, but I will just point out the words of David Lloyd George, who is not a conservative, who said: “A politician is a person with whose politics you don’t agree; if you agree with him, he is a statesman.”

TOM PRICE’s nomination is something that I believe would have been relatively noncontroversial, even a few years ago. I know that when I voted in favor of the confirmation of Sylvia Burwell as the Secretary of Health and Human Services for President Obama’s Cabinet, I looked at her qualifications, not her politics.

If we look at Dr. PRICE with the same lens, I am hopeful we will see a bipartisan vote for this confirmation. The nomination of TOM PRICE is a great opportunity for our country to benefit from his knowledge, to benefit from his dedication, to benefit from his lifetime of service, and to benefit from his commitment to working with us all to improve health care in the United States. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. HEINRICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINRICH. Mr. President, in 1986, Coretta Scott King, the widow of civil rights leader Dr. Martin Luther King, wrote a letter urging Congress to block the nomination of JEFF SESSIONS for Federal judge. The Senate Judiciary Committee would ultimately reject that nomination.

Here we are three decades later. Senator SESSIONS, who cannot erase his troubling record on civil rights, is again undergoing a confirmation hearing as President Trump’s nominee for Attorney General. I would like to read an excerpt from Mrs. King’s letter, and I ask unanimous consent that the letter in its entirety be printed in the RECORD following my remarks.

Mrs. King wrote:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

When Senator ELIZABETH WARREN tried to read this exact same letter last night here on the Senate floor, Republicans voted to silence her, citing that she was in violation of Senate rules aimed at preventing Senators from impugning the motives of their colleagues.

The move by some of my colleagues to silence the words of Senator WARREN and Mrs. King last night is troubling not only because this is a threat to our democratic values, but also, frankly, because it is hypocritical.

During a scathing speech last year in this same Chamber, the Senator from Texas went so far as personally attacking the Republican majority leader MITCH MCCONNELL and accusing him of lying. In May of last year, the Senator from Arkansas, also here on the Senate floor, delivered a speech directly criticizing former Senate Minority Leader Harry Reid, using the terms “vulgar,” “incoherent,” and “cancerous” to describe him.

He said on the Senate floor:

I am forced to listen to the bitter, vulgar incoherent ramblings of the minority leader. Normally, like every other American, I ignore them.

I bring this up because neither of these Senators were silenced. Neither were told to sit down and take their seat. Silencing Senator WARREN for reading Mrs. King’s letter under the guise of following Senate rules is hypocritical and rightfully leads some to question whether the majority leader may have a different standard of expected conduct for female Senators compared to their male counterparts.

I have already announced that I will vote against the nomination of Senator SESSIONS. After this episode last night, I believe now more than ever this position will require an unwavering commitment to protect American’s constitutional rights, and to stand up against discrimination and hate.

Like the thousands of New Mexicans I have heard from, I lack that confidence in Senator SESSIONS. I urge the American people to read and share Coretta Scott King’s letter and continue to make your own voices heard because we will not be silenced. We will persist.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARTIN LUTHER KING, JR. CENTER FOR NONVIOLENT SOCIAL CHANGE, INC.,

Atlanta, Georgia, March 19, 1986.

Re Nomination of Jefferson B. Sessions U.S. Judge, Southern District of Alabama Hearing, March 13, 1986

Hon. STROM THURMOND,  
Chairman, Committee on the Judiciary  
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions’ confirmation and I request that my statement as well as this letter be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely,

CORETTA SCOTT KING.

STATEMENT OF CORETTA SCOTT KING ON THE  
NOMINATION OF JEFFERSON BEAUREGARD  
SESSIONS FOR THE UNITED STATES DISTRICT  
COURT SOUTHERN DISTRICT OF ALABAMA

SENATE JUDICIARY COMMITTEE, THURSDAY,  
MARCH 13, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: Thank you for allowing me this opportunity to express my strong opposition to the nomination of Jefferson Sessions for a federal district judgeship for the Southern District of Alabama. My longstanding commitment which I shared with my husband, Martin, to protect and enhance the rights of Black Americans, rights which include equal access to the democratic process, compels me to testify today.

Civil rights leaders, including my husband and Albert Turner, have fought long and hard to achieve free and unfettered access to the ballot box. Mr. Sessions has used the awesome power of his office to chill the free exercise of the vote by black citizens in the district he now seeks to serve as a federal judge. This simply cannot be allowed to happen. Mr. Sessions' conduct as U.S. Attorney, from his politically-motivated voting fraud prosecutions to his indifference toward criminal violations of civil rights laws, indicates that he lacks the temperament, fairness and judgment to be a federal judge.

The Voting Rights Act was, and still is, vitally important to the future of democracy in the United States. I was privileged to join Martin and many others during the Selma to Montgomery march for voting rights in 1965. Martin was particularly impressed by the determination to get the franchise of blacks in Selma and neighboring Perry County. As he wrote, "Certainly no community in the history of the Negro struggle has responded with the enthusiasm of Selma and her neighboring town of Marion. Where Birmingham depended largely upon students and unemployed adults [to participate in non-violent protest of the denial of the franchise], Selma has involved fully 10 per cent of the Negro population in active demonstrations, and at least half the Negro population of Marion was arrested on one day." Martin was referring of course to a group that included the defendants recently prosecuted for assisting elderly and illiterate blacks to exercise that franchise. In fact, Martin anticipated from the depth of their commitment twenty years ago, that a united political organization would remain in Perry County long after the other marchers had left. This organization, the Perry County Civic League, started by Mr. Turner, Mr. Hogue, and others, as Martin predicted, continued "to direct the drive for votes and other rights." In the years since the Voting Rights Act was passed, Black Americans in Marion, Selma and elsewhere have made important strides in their struggle to participate actively in the electoral process. The number of Blacks registered to vote in key Southern states has doubled since 1965. This would not have been possible without the Voting Rights Act.

However, Blacks still fall far short of having equal participation in the electoral process. Particularly in the South, efforts continue to be made to deny Blacks access to the polls, even where Blacks constitute the majority of the voters. It has been a long uphill struggle to keep alive the vital legislation that protects the most fundamental right to vote. A person who has exhibited so much hostility to the enforcement of those laws, and thus, to the exercise of those rights by Black people should not be elevated to the federal bench.

The irony of Mr. Sessions' nomination is that, if confirmed, he will be given life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years

ago with clubs and cattle prods. Twenty years ago, when we marched from Selma to Montgomery, the fear of voting was real, as the broken bones and bloody heads in Selma and Marion bore witness. As my husband wrote at the time, "it was not just a sick imagination that conjured up the vision of a public official, sworn to uphold the law, who forced an inhuman march upon hundreds of Negro children; who ordered the Rev. James Bevel to be chained to his sickbed; who clubbed a Negro woman registrant, and who callously inflicted repeated brutalities and indignities upon nonviolent Negroes peacefully petitioning for their constitutional right to vote."

Free exercise of voting rights is so fundamental to American democracy that we can not tolerate any form of infringement of those rights. Of all the groups who have been disenfranchised in our nation's history, none has struggled longer or suffered more in the attempt to win the vote than Black citizens. No group has had access to the ballot box denied so persistently and intently. Over the past century, a broad array of schemes have been used in attempts to block the Black vote. The range of techniques developed with the purpose of repressing black voting rights run the gamut from the straightforward application of brutality against black citizens who tried to vote to such legalized frauds as "grandfather clause" exclusions and rigged literacy tests.

The actions taken by Mr. Sessions in regard to the 1984 voting fraud prosecutions represent just one more technique used to intimidate Black voters and thus deny them this most precious franchise. The investigations into the absentee voting process were conducted only in the Black Belt counties where blacks had finally achieved political power in the local government. Whites had been using the absentee process to their advantage for years, without incident. Then, when Blacks, realizing its strength, began to use it with success, criminal investigations were begun.

In these investigations, Mr. Sessions, as U.S. Attorney, exhibited an eagerness to bring to trial and convict three leaders of the Perry County Civic League including Albert Turner despite evidence clearly demonstrating their innocence of any wrongdoing. Furthermore, in initiating the case, Mr. Sessions ignored allegations of similar behavior by whites, choosing instead to chill the exercise of the franchise by blacks by his misguided investigation. In fact, Mr. Sessions sought to punish older black civil rights activists, advisors and colleagues of my husband, who had been key figures in the civil rights movement in the 1960's. These were persons who, realizing the potential of the absentee vote among Blacks, had learned to use the process within the bounds of legality and had taught others to do the same. The only sin they committed was being too successful in gaining votes.

The scope and character of the investigations conducted by Mr. Sessions also warrant grave concern. Witnesses were selectively chosen in accordance with the favorability of their testimony to the government's case. Also, the prosecution illegally withheld from the defense critical statements made by witnesses. Witnesses who did testify were pressured and intimidated into submitting the "correct" testimony. Many elderly blacks were visited multiple times by the FBI who then hauled them over 180 miles by bus to a grand jury in Mobile when they could more easily have testified at a grand jury twenty miles away in Selma. These voters, and others, have announced they are now never going to vote again.

I urge you to consider carefully Mr. Sessions' conduct in these matters. Such a re-

view, I believe, raises serious questions about his commitment to the protection of the voting rights of all American citizens and consequently his fair and unbiased judgment regarding this fundamental right. When the circumstances and facts surrounding the indictments of Al Turner, his wife, Evelyn, and Spencer Hogue are analyzed, it becomes clear that the motivation was political, and the result frightening—the wide-scale chill of the exercise of the ballot for blacks, who suffered so much to receive that right in the first place. Therefore, it is my strongly-held view that the appointment of Jefferson Sessions to the federal bench would irreparably damage the work of my husband, Al Turner, and countless others who risked their lives and freedom over the past twenty years to ensure equal participation in our democratic system.

The exercise of the franchise is an essential means by which our citizens ensure that those who are governing will be responsible. My husband called it the number one civil right. The denial of access to the ballot box ultimately results in the denial of other fundamental rights. For, it is only when the poor and disadvantaged are empowered that they are able to participate actively in the solutions to their own problems.

We still have a long way to go before we can say that minorities no longer need be concerned about discrimination at the polls. Blacks, Hispanics, Native Americans and Asian Americans are grossly underrepresented at every level of government in America. If we are going to make our timeless dream of justice through democracy a reality, we must take every possible step to ensure that the spirit and intent of the Voting Rights Act of 1965 and the Fifteenth Amendment of the Constitution is honored.

The federal courts hold a unique position in our constitutional system, ensuring that minorities and other citizens without political power have a forum in which to vindicate their rights. Because of this unique role, it is essential that the people selected to be federal judges respect the basic tenets of our legal system: respect for individual rights and a commitment to equal justice for all. The integrity of the Courts, and thus the rights they protect, can only be maintained if citizens feel confident that those selected as federal judges will be able to judge with fairness others holding differing views.

I do not believe Jefferson Sessions possesses the requisite judgment, competence, and sensitivity to the rights guaranteed by the federal civil rights laws to qualify for appointment to the federal district court. Based on his record, I believe his confirmation would have a devastating effect on not only the judicial system in Alabama, but also on the progress we have made everywhere toward fulfilling my husband's dream that he envisioned over twenty years ago. I therefore urge the Senate Judiciary Committee to deny his confirmation.

I thank you for allowing me to share my views.

Mr. HEINRICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARKEY. Mr. President, I have heard from literally thousands of my constituents who have contacted my office in unprecedented numbers with

fears about a Justice Department headed by Senator JEFF SESSIONS as Attorney General of the United States.

My constituents and Americans all across the country are concerned about the independence and integrity of the Justice Department under President Donald Trump.

We are only 3 weeks into the Trump administration, and what we have seen so far has been alarming. We have 3 years and 49 weeks left to go in President Trump's term of office, and we have already seen in 3 weeks President Trump issue an illegal and immoral ban on Muslim refugees. We then saw President Trump fire Acting Attorney General Sally Yates from her job overseeing the Department of Justice—an action reminiscent of Watergate's infamous "Saturday Night Massacre"—because she refused to defend in court his unconstitutional and un-American Executive order.

Sally Yates's job and the job of the entire Justice Department is to uphold the rule of law. The Attorney General of the United States is the lawyer for the people of the United States—not Donald Trump's personal lawyer. It is called the rule of law, not the rule of Trump, but it is the rule of law that is at stake when the nomination of Senator SESSIONS is in question to run the Department of Justice.

I have told my constituents that Senator SESSIONS must be judged based on the totality of his record: as a U.S. attorney, as Alabama's attorney general, and as U.S. Senator.

A review of that record, including 2 days of hearings before the Senate Judiciary Committee, demonstrates anything but the commitment to the equal and impartial administration of justice and an independence from the President that we must demand from the Nation's top law enforcement officer.

Senator SESSIONS' record spanning decades in public office reflects hostility to important constitutional rights, hostility to laws intended to protect people of color, hostility to laws intended to protect women, hostility to laws intended to protect the LGBTQ community, and hostility to laws intended to protect immigrants against discrimination and violence.

Senator SESSIONS has fought against civil rights efforts. He has fought against protecting voting rights, and as a U.S. attorney, SESSIONS tried to prosecute three civil rights workers who were helping elderly and disabled African-American voters to cast absentee ballots.

During his 1986 judicial nomination hearing, he called the Voting Rights Act "an intrusive piece of legislation." And in his testimony to the Judiciary Committee, Senator SESSIONS would not commit to continue the Justice Department's efforts to challenge restrictive State voter ID laws. Senator SESSIONS has fought against comprehensive immigration reform, against criminal justice reform, and against commonsense gun control measures.

As for a woman's right to choose, Senator SESSIONS has said: "I firmly believe that *Roe v. Wade* and its descendants represent one of the worst, colossally erroneous Supreme Court decisions of all time." At his confirmation hearing, Senator FEINSTEIN pressed him on his statement, asking him whether it was still his view. "It is," Senator SESSIONS replied.

It is simply unimaginable that we would have an Attorney General of the United States holding such a view of *Roe v. Wade* and the rights of women to control their own reproductive health. *Roe v. Wade* is the law of the land, and it should remain that way forever.

Mr. President, I would also like to address the actions last night by the Senate majority leader to silence the remarks of my colleague from Massachusetts, Senator ELIZABETH WARREN.

Coretta Scott King was attending the New England Conservatory of Music in Boston when she met a divinity doctoral student at Boston University in 1952, in Boston. One year later, Coretta Scott married Dr. Martin Luther King, Jr., as they took their degrees from Boston to begin a cause found in the South that became a national and international movement.

The two shared their life, a cause that would change the world. The voices and legacy of Coretta Scott King and Dr. Martin Luther King, Jr., are as much a part of Massachusetts history as the American Revolution, John Adams, and President John Kennedy.

What Senator WARREN was doing last night was standing up for equal justice the way Massachusetts has always stood up for equal justice, the way Senator Ted Kennedy stood up for equal justice. We have a deep and proud history in Massachusetts of fighting for what is right. The abolitionist movement was born in Massachusetts.

In past generations, when young women wanted the right to vote, a group of committed activists in Massachusetts formed the Suffragette movement, and they changed the U.S. Constitution so women can vote.

When young people in Massachusetts were upset with the voting rights laws for minorities in America's southern States, they became the Freedom Riders, and they changed the laws of the United States.

I make these remarks from the desk once held by Massachusetts Senator Edward Brooke. Senator Brooke was the first African American elected to the Senate. He was a Republican. He was also a civil rights activist, and he also received his law degree at Boston University, in Massachusetts.

From the Founding Fathers to the movement for universal health care, to the first same-sex wedding in the United States, and to the Senate floor last night, Massachusetts has always been at the heart of America's quest for equal justice.

Leader MCCONNELL used an arcane Senate rule to silence Senator WARREN,

but the people of Massachusetts and all people of good conscience will never be silenced when confronted with our moral responsibility to speak out.

Senator WARREN deserves an apology for being silenced when she attempted to share this very relevant, very powerful part of our national history last night. The American people deserve to hear the important words of Coretta Scott King. So here they are:

Dear Senator Thurmond:

I write to express my sincere opposition to the confirmation of Jefferson B. Sessions as a federal district court judge for the Southern District of Alabama. My professional and personal roots in Alabama are deep and lasting. Anyone who has used the power of his office as United States Attorney to intimidate and chill the free exercise of the ballot by citizens should not be elevated to our courts. Mr. Sessions has used the awesome powers of his office in a shabby attempt to intimidate and frighten elderly black voters. For this reprehensible conduct, he should not be rewarded with a federal judgeship.

I regret that a long-standing commitment prevents me from appearing in person to testify against this nominee. However, I have attached a copy of my statement opposing Mr. Sessions' confirmation and I request that my statement as well as this letter be made a part of the hearing record.

I do sincerely urge you to oppose the confirmation of Mr. Sessions.

Sincerely, Coretta Scott King

Coretta Scott King was right in the 1960s. Coretta Scott King was right in 1986. Coretta Scott King is right today.

Based on the totality of Senator SESSIONS' record, I have no confidence that he shares a commitment to justice for all Americans. I do not believe he will fight to defend the most vulnerable in our society. I do not believe he will stand up to President Trump when the time comes, as it surely will come.

The great Robert F. Kennedy, a U.S. Attorney General himself, once said "that every community gets the kind of law enforcement it insists on."

We must insist that our top law enforcement officer upholds the law for all Americans. I do not have assurance that Senator SESSIONS will meet that challenge.

I will be voting no on Senator SESSIONS' nomination this evening, and I urge all of my colleagues to do likewise.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, yesterday I spoke at length about my fear that Senator SESSIONS' would not have the ability to act as an independent Attorney General. The Attorney General is not the President's lawyer. He or she is the chief law enforcement officer of the United States. And he or she must faithfully serve all Americans. Even if Senator SESSIONS could demonstrate independence from President Trump, my review of his extensive record leaves me unconvinced that he is capable of serving and protecting all Americans.

In 1986, Senator Ted Kennedy called JEFF SESSIONS a "throwback" because of his conduct on civil rights issues. I regret to say that, since the Judiciary

Committee's bipartisan rejection of Senator SESSIONS' nomination to be a district court judge in 1986, Senator SESSIONS has not allayed our concerns. In his 20 years in the Senate, he has not shown a commitment to protecting the most vulnerable in our communities. Time and again, when the rights of women, LGBT individuals, and disenfranchised communities have been debated here in the Senate, Senator SESSIONS has not sought to protect their civil and human rights. Too often, he has been the one standing in the way.

That is why National Nurses United has written to me to express their opposition to Senator SESSIONS. They wrote: "We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant." I ask unanimous consent that their full letter be printed in the RECORD at the conclusion of my remarks. That is why my friend JOHN LEWIS testified before the Judiciary Committee in opposition to Senator SESSIONS. Congressman LEWIS stated that, "When faced with a challenge, Senator Sessions has frequently chosen to stand on the wrong side of history." Senate Republicans should be listening to these concerns and those of protesters in our streets and airports standing up for our Constitution. We should not subject those concerns to a gag rule.

Yet Senator SESSIONS and his supporters have painted a different picture of his record. They have argued that he has a strong record on civil rights. So I asked Senator SESSIONS in written questions to identify areas in which racial inequalities persist. He could have talked about sentencing or about areas where the Civil Rights Division has found patterns and practices of police departments violating people's rights or about the kind of voter suppression efforts that an appeals court found "target[ed] African Americans with almost surgical precision." Senator SESSIONS did not identify a single example of racial inequality in modern America. That is astonishing. No one can uphold the rights of all Americans if he is unwilling to pay attention when those rights are being violated.

Some have suggested that Senator SESSIONS' record on civil rights has been criticized unfairly and he is held to a different standard because he is a conservative from the South. I disagree. When the Judiciary Committee rejected Senator SESSIONS' district court nomination in 1986, one of the votes against him came from Senator Heflin, who was a conservative from Alabama. Moreover, I and most other Democrats just voted to confirm as U.N. Ambassador another conservative Southerner: Nikki Haley. In 2015, then-Governor Haley made the decision to remove the Confederate flag from the

South Carolina Statehouse grounds. She said, "[I]t should never have been there" and that she "couldn't look my children in the face and justify it staying there." When Senator SESSIONS was asked about this and other efforts to remove the Confederate flag from public buildings, he argued that such efforts "seek to delegitimize the fabulous accomplishments of our country." It can come as no surprise that the civil rights community is concerned by his nomination.

But I will speak to my own experiences with Senator SESSIONS' views on civil rights laws. In 2009, Senator SESSIONS opposed expanding hate crime protections to women and LGBT individuals, groups that have historically been targeted based merely on who they are. He stated, "I am not sure women or people with different sexual orientations face that kind of discrimination. I just don't see it." Thankfully, a bipartisan majority of Senators saw it, and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act is now law. These protections are needed now more than ever. According to recent FBI statistics, LGBT individuals are more likely to be targeted for hate crimes than any other minority group in the country.

Judy Shepard, Matthew's mother, wrote a letter last month opposing Senator SESSIONS' nomination. She was concerned not just by Senator SESSIONS' opposition to the law that bears her son's name, but by how Senator SESSIONS viewed such hate crimes. She wrote:

"Senator SESSIONS strongly opposed the hate crimes bill—characterizing hate crimes as mere 'thought crimes.' Unfortunately, Senator SESSIONS believes that hate crimes are, what he describes as, mere 'thought crimes.'

"My son was not killed by 'thoughts' or because his murderers said hateful things. My son was brutally beaten with the butt of a .357 magnum pistol, tied him to a fence, and left him to die in freezing temperatures because he was gay. Senator SESSIONS' repeated efforts to diminish the life-changing acts of violence covered by the Hate Crimes Prevention Act horrified me then, as a parent who knows the true cost of hate, and it terrifies me today to see that this same person is now being nominated as the country's highest authority to represent justice and equal protection under the law for all Americans."

But that was not all. Senator SESSIONS also said that "the hate crimes amendment . . . has been said to cheapen the civil rights movement." I asked him about this comment and whether he still felt that way at his hearing, but he did not respond to the question. I asked him a second time, in a written follow-up, what he meant by that comment. He replied that "Those were not my words," but again did not explain what he had meant by that remark. So I asked him a third time. The third time, he finally conceded. He wrote to me that "it is not correct to say it cheapens our commitment to civil rights." If it is not correct to say that, then why did Senator SESSIONS

quote it in the first place—and why did it take him three tries to acknowledge the error?

Senator SESSIONS also opposed the 2013 Leahy-Crapo Violence Against Women Reauthorization Act, which overwhelmingly passed the Senate with support from a majority of Republican Senators. During his hearing, and again in written questions, Senator SESSIONS refused to commit to defend this important law's constitutionality. He said only that he "will carefully study" it to discern whether it is "reasonably defensible." His refusal to voice support for VAWA is all the more troubling in light of reports that the Heritage Foundation's budget blueprint, which is reportedly being relied on by the new administration, calls for eliminating all VAWA grants. I asked Senator SESSIONS to commit to stand up for victims and preserve these critical programs. Again, he refused.

Amita Swadhin, who appeared before the Judiciary Committee and bravely shared her story of being raped as a child, explained why this issue is so important: "We need an Attorney General who will continue the progress we have made since the initial passage of VAWA, someone 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." This law and these grants are a matter of life and death to many people across the country. We need an Attorney General who understands that. The National Task Force to End Sexual and Domestic Violence, which has never before taken a position on an Attorney General nomination, wrote to the Judiciary Committee because they do not believe Senator SESSIONS understands that. The letter states:

"Senator SESSIONS' senate record of strenuous objection to protections for historically marginalized populations, coupled with his record of selective prosecutions, demonstrate his unwillingness to protect marginalized victims' access to justice and disqualify him from holding the position of Attorney General of the United States, a position charged with the responsibility of securing justice for all."

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks.

Senator SESSIONS and his supporters have tried to minimize his opposition to the Leahy-Crapo VAWA bill by pointing out that he did vote in committee for the Republican substitute amendment. Let me explain what that amendment would have done. It would have cut authorization levels by 40 percent, hampering efforts to prevent violence and provide services to victims in need. It would have removed all provisions intended to ensure that victims can receive services, regardless of sexual orientation and gender identity. It would have removed important provisions to let tribal justice systems reach the many criminal and civil cases that fell through the cracks. That amendment would have gutted core elements

of the VAWA reauthorization that go to the heart of what VAWA does. A vote for that amendment hardly demonstrates a commitment to victims.

Another issue that concerns me is criminal justice reform. For years, I have worked with a bipartisan group of Senators to reduce mandatory minimum sentences for drug offenses. These sentences have created perverse disparities within our justice system. Racial minorities still receive nearly 80 percent of them. Our bipartisan effort has had the strong support of the Justice Department and many others in law enforcement, but not Senator SESSIONS. In recent years, no one in the Senate has fought harder against even modest sentencing reform than he has.

I am also concerned about Senator SESSIONS' commitment to ongoing civil rights litigation. I asked whether he would maintain the Justice Department's position in certain important cases. He would not commit to maintaining the Department's position, even in voting rights cases where courts have already found that certain voter ID laws are discriminatory.

Senator SESSIONS would not commit to even maintaining cases that are already at the Supreme Court. Last month, the Supreme Court heard oral argument in *Endrew F. v. Douglas County School District*. The Justice Department filed an amicus brief in support of the petitioner, arguing that the Individuals with Disabilities Education Act requires states to provide more than de minimis educational benefits and in fact "give eligible children with disabilities an opportunity to make significant educational progress." Even though it would be extraordinary for the Justice Department to take a new position after oral argument has already been heard, Senator SESSIONS would not commit to maintaining the Department's position in this case.

I pointed to a lawsuit the Justice Department filed last year in Georgia alleging that Georgia's treatment of students with disabilities violated the Americans with Disabilities Act. In this lawsuit, the Justice Department noted that some of the facilities used by students with disabilities "are located in poor-quality buildings that formerly served as schools for black students during de jure segregation." I asked Senator SESSIONS whether he would continue to pursue this case, and bring others like it where States are in violation of the ADA. He refused to commit to continuing this case. The ADA also contains a waiver of State sovereign immunity, which is a critical tool for enforcing that landmark law. Twice during the Bush administration, the Justice Department argued, and the Supreme Court agreed, that the waiver was a valid exercise of Congressional power under section V of the 14th Amendment, but Senator SESSIONS would not commit to defending the constitutionality of that provision.

Senator SESSIONS' record on disability rights is also of concern because

of the way he spoke about students with disabilities. He once argued that mainstreaming causes a "decline in civility and discipline in classrooms all over America." As with my hate crimes amendment and VAWA, the problem is not just that Senator SESSIONS has opposed protections for the most vulnerable, it is also the language that he uses when opposing them, which denigrate those the laws seek to protect. That is why a group of 18 disability rights organizations have written to Senate leadership expressing their strong opposition to Senator SESSIONS' nomination.

Senator SESSIONS has also demonstrated a shockingly brazen attitude when I asked him about the offensive rhetoric used by some of his political associates. I asked him whether he would condemn certain remarks by David Horowitz, Frank Gaffney, and others. Senator SESSIONS received awards from these individuals. He regularly attended their conferences. He has given media statements in support of their organizations and the views they put forth. Yet, when Senator SESSIONS was directly asked to respond to some of their statements, he effectively shrugged his shoulders. These included comments: referring to Muslims as "Islamic Nazis" who "want to kill Jews, that's their agenda"; alleging that President Obama "is an anti-American radical and I'm actually sure he's a Muslim, he certainly isn't a Christian. . . . He's a pretend Christian in the same way he's a pretend American"; alleging that two Muslims members of Congress have "longstanding Muslim Brotherhood ties"; arguing that a Muslim member of Congress should not be allowed to serve on the House Intelligence Committee because of his "extensive personal and political associations with . . . jihadist infrastructure in America"; claiming that married women by definition cannot be raped by their husbands; calling for "railroad cars full of illegals going south; and calling President Obama a traitor.

Senator SESSIONS responded that he does not hold those views. That is fair enough. But he did not explain why he chose to associate with such individuals. When someone accuses President Obama of treason, it is not at all enough to say, "I do not hold that view." That is why, last month, Muslim advocates and 36 other civil rights organizations, including the Leadership Conference on Civic and Human Rights and the NAACP, wrote a letter to the Senate Judiciary Committee expressing strong concern that "Senator SESSIONS has closely aligned with anti-Muslim hate groups, accepted their awards and accolades, and publicly praised their leadership. Senator SESSIONS' appointment will only embolden these groups and activists and serve to further fan the flames of anti-Muslim bigotry already burning in this country." If Senator SESSIONS cannot condemn David Horowitz and Frank

Gaffney, who the Southern Poverty Law Center has repeatedly called "extremists" who run hate groups, for calling President Obama a traitor, it is fair to ask whether he will have the courage to stand up to the President of the United States, as Sally Yates did.

The Attorney General is charged with enforcing the laws that protect all Americans. No one can fulfill that obligation who is not clear-eyed about the threats facing the most vulnerable in our communities. We need an Attorney General who will aggressively confront those who appeal to hate and fear. I do not believe that person is Senator SESSIONS. The Senate and the Judiciary Committee have heard from a multitude of civil rights, civil liberties, and domestic violence organizations, as well as nurses and numerous faith leaders, who oppose this nomination. This Senator stands with them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL NURSES UNITED,  
Washington, DC, February 7, 2017.

Hon. PATRICK J. LEAHY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEAHY: We write on behalf of the more than 150,000 registered nurse members of National Nurses United to urge you to vote against the confirmation of Senator Jeff Sessions, President-elect Donald Trump's nominee for Attorney General. Much has been said by many others against confirmation of this nominee, so we will be brief.

Our members work as bedside healthcare professionals in almost every state in the nation. We work in every hospital setting, from small rural facilities to large urban public health systems, in prominent research hospitals affiliated with prestigious public and private universities, as well as Veterans Affairs hospitals and clinics. We care for Americans on every point of the demographic spectrum, at their most vulnerable. We provide the best care we possibly can, without regard to race, gender, national origin, religion, socio economic circumstances, or other identifying characteristic. That is what caring professionals do. Unfortunately, that is not what Jeff Sessions has done in his role as a public servant. And to vote in favor of confirming him as the chief law enforcement officer of the United States would abdicate your responsibility to provide the oversight necessary to ensure that basic legal rights are enforced evenhandedly and for the protection of all people.

As Senate colleagues, you no doubt know Senator Sessions' record as a lawmaker, as well as his record as the U.S. Attorney for the Southern District of Alabama and as the Alabama Attorney General. It was, of course, his record in the U.S. Attorney's office and his many publically verified racially insensitive comments that resulted in a majority of the Senate Judiciary Committee voting against confirmation for his nomination to be a U.S. District Court judge in 1986. This 'no' vote happened while the Judiciary Committee was majority Republican. Even Senator Howell Heflin, a fellow Alabamian, voted against him, citing "reasonable doubts" over whether he could be "fair and impartial."

Senator Sessions has oft asserted that his comments over the years were taken out of context, or intended as humor. But his record tells the truth. Early in his career he



charged civil right leaders (“the Marion Three”) with voting fraud related to their efforts to assist African American voters. The fact that the defendants in that case were acquitted didn’t deter Mr. Sessions. Later, as Attorney General of Alabama, he initiated another voter fraud investigation involving absentee ballots cast by black voters that, again, resulted in findings of no wrong doing. During that same timeframe, he was criticized for declining to investigate church burnings, and he “joked” that he thought Ku Klux Klan members were “OK, until [he] learned that they smoked marijuana.”

Against that background, Senator Sessions aggressively interrogated Justice Sonia Sotomayor, the Court’s first nominee of Latino heritage. Further betraying a deep belief in natural division between racial groups, he grilled Justice Sotomayor about whether she could be fair to white Americans, despite her 17-year record as a jurist and having received the American Bar Association’s highest rating. And he expressed grave concerns that she would engage in judicial “empathy” on the high court, favoring persons of certain races or ethnicities over others. He then voted against her confirmation.

Senator Sessions’ prejudices are not only against people of color. As an organization representing a predominately female profession we are compelled to express our outrage that Senator Sessions defended Donald Trump’s statements about grabbing women by the genitals, by saying that such conduct would not constitute sexual assault. The fact that he took a different position during his Committee hearing is of no comfort. It only shows that he will say whatever he believes will help land him in the seat of power to determine whether, and against whom, to enforce our laws. His comments last fall dismissing President-elect Trump’s despicable treatment of women is consistent with his vote in 2013 against the Violence Against Women Act. As nurses, we see close up the devastating effects of domestic violence against our patients, and we are disturbed by Senator Sessions’ alleged concern that the protection of that statute should not extend to victims of violence on tribal lands.

Moreover, confirming Senator Sessions to the job of the top prosecutor would exacerbate our national crisis over race issues in policing and our criminal justice system. He personally blocked the Sentencing Reform and Corrections Act, a bipartisan effort spearheaded by Sens. CHARLES GRASSLEY (R-Iowa), MIKE LEE (R-Utah), and JOHN CORNYN (R-Texas), and Speaker of the House PAUL RYAN (R-Wis.). The fact that law enforcement leadership throughout the nation supported the reform effort made no difference to Senator Sessions. And unfortunately, his actions as U.S. Attorney for the Southern District of Alabama only further illustrate his indifference to this crisis. For example, drug convictions made up 40 percent of his cases when he served in that position—twice the rate of other federal prosecutors in Alabama.

Despite the current trend of focusing resources on violent crime, and away from outdated drug war policies, Senator Sessions continues to oppose any attempts to legalize marijuana and any reduction in drug sentences. As Attorney General, he could direct federal prosecutors throughout the country to pursue the harshest penalties possible for even low-level drug offenses, a step that would further exacerbate our national record of incarcerating non-violent offenders—the vast majority of whom could be successfully treated, at far lower cost to society, with appropriate healthcare treatment.

Nor should Senator Sessions be trusted to ensure equal access to voting rights. He has

publically called the Voting Rights Act “intrusive,” and has insisted that its proactive protections of racial minorities were no longer necessary. This is especially disturbing as Senator Sessions voiced public support for voter-ID laws, while his home state recently tried to close over thirty DMV offices, many in majority-black areas, shortly after instituting strict voter-ID requirements. We are reminded of the words of Coretta Scott King in her letter opposing Jeff Sessions’ nomination to the federal district court in 1986: “The irony of Mr. Sessions’ nomination is that, if confirmed, he will be given a life tenure for doing with a federal prosecution what the local sheriffs accomplished twenty years ago with clubs and cattle prods.”

We will not attempt to address all the positions Senator Sessions has taken that are out of step with the reality of the difficult times we are in, but as nurses we must include our grave concern that as Attorney General he would not be vigilant in enforcing environmental protections. In a July 2012 Senate hearing on climate science, Senator Sessions dismissed the concerns about global warming expressed by 98% of climate scientists, and asserted that this is “[a] danger that is not as great as it seems.” These positions are frightening. Climate change is a public health issue that cannot be overstated. As nurses we have been seeing for some time increases in the frequency and severity of respiratory diseases such as asthma, bronchitis, and emphysema, as well as an increase in cancers and aggravation of cardiovascular illness. The effects of air pollution are particularly acute in pediatric patients. They have higher respiratory rates than adults, and consequently higher exposure. Our elderly patients are also especially vulnerable. Respiratory symptoms as common as coughing can cause arrhythmias, heart attacks, and other serious health impacts in geriatric patients. As global warming progresses, we are seeing sharp increases in heat stroke and dehydration, both of which are sometimes fatal.

In our disaster relief work through our Registered Nurse Response Network, we have been called upon to assist the victims of Hurricane Katrina and Super Storm Sandy—events that many scientists believe would not have been of the magnitude they were if not for rising temperature.

Current and future generations cannot afford to have a fox minding the hen house on the important issues of civil and criminal protections under the control of the Attorney General. We urge you to set aside your personal loyalty to Senator Sessions and evaluate honestly his record and fitness for this critically important job. We urge you to vote against his confirmation.

Sincerely,

DEBORAH BURGER, RN,  
*Co-President, National Nurses United.*  
JEAN ROSS, RN,  
*Co-President, National Nurses United.*

#### NATIONAL TASK FORCE TO END SEXUAL & DOMESTIC VIOLENCE

DEAR MEMBER OF THE JUDICIARY COMMITTEE: We, the steering committee of the National Task Force to End Sexual and Domestic Violence (NTPF), a coalition of national, tribal, state, and local leadership organizations and individuals advocating on behalf of victims of sexual assault, domestic violence, dating violence and stalking, write to express our opposition to Senator Jeff Sessions’ nomination for Attorney General of the United States of America. We have arrived at this position based upon a review of his record as a state and federal prosecutor, during which he applied the law unevenly, and as a U.S. Senator, during which he sup-

ported laws that would afford only some members of our society equal protection of the law. The role of Attorney General requires a demonstrated commitment to providing equal protection under the law—particularly to people who face discrimination because of their race, religion, gender, gender identity, sexual orientation, disability or other identities. We respectfully submit that Senator Sessions’ record speaks for itself and that his history of differential application of the law carries with it the potential to harm victims and survivors of gender-based violence, particularly survivors from historically marginalized communities. Thirty years ago, this Committee rejected Senator Sessions’ nomination to the federal bench due to well-justified concerns regarding his problematic record on civil rights and troubling history of making racially insensitive statements. These aforementioned concerns, combined with his equally troubling comments on the nature of sexual assault and other concerns raised below, make Senator Sessions an unqualified choice to serve as U.S. Attorney General.

The position of Attorney General of the United States of America, created by the Judiciary Act of 1789, bears the responsibility of representing the United States in all legal matters in which the country has an interest. Chief among those interests is the affording of equal protection under our criminal, civil and civil rights laws to all members of our society. Under 28 U.S.C. §503, the President’s appointment of an Attorney General must be with the “advice and consent of the Senate.” The process ensures that the person holding the post of Attorney General is one fit for such duty, a person with the intellectual, moral and steadfast ethical capacity to uphold the laws and interests of the United States and to apply the laws equally to all members of society.

#### FAILURE TO SPEAK UP FOR VICTIMS OF VIOLENCE AND DISCRIMINATION

A threshold qualification for the position of Attorney General is a deep understanding of the laws s/he is sworn to uphold. Of critical relevance are Senator Sessions’ recent comments on the nature of sexual assault in response to the release of a 2005 video in which President-Elect Donald Trump describes grabbing women’s genitalia without their consent. When asked whether he would characterize the behavior described by President-elect Trump as sexual assault, Senator Sessions responded, “I don’t characterize that as sexual assault. I think that’s a stretch. I don’t know what he meant—.” Federal statutes enacted prior to Senator Sessions’ tenure as U.S. Attorney for the Southern District of Alabama criminalize “abusive sexual conduct.” The applicable definition for conduct prohibited by 18 U.S.C. §2244 is clearly stated: “the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.” Thus, the Senator is either unaware that abusive sexual contact is illegal under federal law, or he feigned ignorance of the laws he was sworn to uphold as an officer of the court for the sake of political expedience.

The Department of Justice has the exclusive authority to enforce the United States’ criminal statutes, including 18 U.S.C. §2244. The Department of Justice also has exclusive jurisdiction over the prosecution of domestic and sexual violence in the District of Columbia, most sexual assaults perpetrated in Indian Country, and concurrent jurisdiction over domestic violence offenses committed in Indian Country. Any candidate for Attorney General of the United States, particularly a former U.S. Attorney, should possess

a thorough understanding of the legal definition of sexual assault under federal law and under the laws of the jurisdictions in which the Office of the U.S. Attorney has prosecutorial responsibility. The National Task Force has worked collectively for decades to ensure that legal definitions in the U.S. Code and under state and local laws make it absolutely clear that sexual assault is a crime. The job of the Attorney General is to enforce the law without fear or favor. Thus, we expect the Attorney General to enforce federal laws addressing sexual assault without introducing nonexistent ambiguity, because of the perpetrator's identity. Senator Sessions' cavalier statement about sexual assault leaves us fearful that he will not vigorously prosecute sexual assault crimes, a practice unbefitting of the nation's chief law enforcement officer.

Additionally, Senator Sessions' poor history with respect to fighting for fairness and equity has us justifiably concerned that he will not step in to vindicate the rights of survivors of campus sexual assault and other victims of discrimination. The Justice Department has jurisdiction to enforce a myriad of civil rights statutes, including Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. These statutes bar discrimination in education based on race, color and national origin and sex (respectively) by educational institutions that receive federal funding. On college and university campuses alone, we know that 20 percent of women are victimized by sexual assault. Absent an Attorney General's commitment to ensuring that educational institutions root out bias and violence and hold perpetrators accountable, victims of discrimination, harassment or violence based on sex, race and/or national origin will be unable to pursue their education in an atmosphere of educational equity. Teachers surveyed since the election have described thousands of incidents of "bigotry and harassment," stemming from incidents involving "racist, xenophobic or misogynistic comments," and/or "derogatory language directed at students of color, Muslims, immigrants, and people based on gender or sexual orientation." It is imperative that the person nominated to the position of Attorney General possess a demonstrated record of work and support for these impacted communities, including people of color, immigrants, Muslims and religious minorities, members of the LGBT community, and people with disabilities.

Regrettably, Senator Sessions' career is replete with actions taken and statements made in opposition to equitable educational access. While Attorney General of Alabama, Senator Sessions fought equitable educational access for poor, minority and disabled students in Alabama even after being ordered by a federal court to remedy the yawning financial disparities between Alabama's richest (and whitest) and poorest school districts. Additionally, his mischaracterization of the Individuals with Disabilities in Education Act as creating "special treatment for certain children," and being responsible for "accelerating the decline of civility and discipline in classrooms across America," is appalling. In light of these remarks, we are concerned not only about the Senator's willingness to use the civil rights statutes to protect survivors of both campus sexual assault and other forms of harassment and violence in the education context, but also his commitment to ensuring equal access and safety under certain programs in the Violence Against Women Act for victims of sexual and domestic violence who have disabilities.

#### FAIR APPLICATION OF LAW

We have additional concerns regarding the Attorney General's role with respect to the

fair, even and unbiased application of the law. Victims and survivors come from all racial or ethnic backgrounds, faith practices, sexual orientations, and gender identities: 33.5% of multiracial women have been raped, as have 27% of American Indian and Alaska Native women, 15% of Hispanic, 22% of Black, and 19% of White women. Additionally, 53.8% of multiracial women and 39.3% of multiracial men experience intimate partner physical violence, intimate partner sexual violence and/or intimate partner stalking in their lifetimes, as do 46.0% of American Indian and Alaska Native women, 45.3% of American Indian and Alaska Native men, 19.6% of Asian and Pacific Islander women (data for Asian and Pacific Islander men is not available), 43.7% of Black women, 38.6% of Black men, 37.1% of Hispanic women, 26.6% of Hispanic men, 34.6% of White women and 28.2% of White men. We know firsthand that many survivors from vulnerable populations hesitate to contact law enforcement or do not trust the court system to address their victimization because they fear, based on prior experience, that any justice system response may not help them. We expect anyone who serves as Attorney General to create a Justice Department accessible to all; the 5th and 14th Amendments of the U.S. Constitution demand no less.

Senator Sessions' well-documented prosecutorial record, as U.S. Attorney for the Southern District of Alabama and as Attorney General for the State of Alabama, demonstrate his propensity to inequitably apply the law to the disadvantage of historically marginalized populations. Senator Sessions' history leads us to question whether he will vigorously seek to ensure that all victims and survivors of gender-based violence, particularly vulnerable populations and those at the margins of society, have access to vitally needed services and legal protections.

#### SENATOR SESSIONS' OPPOSITION TO PROTECTIONS FOR THE IMMIGRANT AND LGBT COMMUNITIES

We are concerned that the positions that Senator Sessions has taken on immigration and LGBT individuals pose grave threats to vulnerable victims of gender-based violence. His consistent support of immigration policies that increase the barriers to safety for undocumented victims of sexual and domestic violence pushes immigrant victims further into the shadows and harms families and communities by allowing perpetrators (batterers and rapists) to abuse, traffic and assault with impunity. During the consideration of two major comprehensive immigration reform bills, as well on various other occasions, Senator Sessions has sponsored amendments and stand-alone legislation to limit the availability of critical safety net assistance for immigrants and increase barriers to protections from abuse and exploitation by penalizing local jurisdictions that fail to engage in immigration enforcement activities. He has made no subsequent statement that indicates that he would rethink these punitive policy positions were he to be confirmed.

His failure to support, and sometimes active opposition to, progress and protections for the LGBT community leave us gravely concerned that if confirmed, he would not stand up for the rights of the LGBT community generally, and particularly with respect to LGBT victims of violence. He opposed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which is of particular concern as we witness a spike in harassment of minorities and bias crimes over the last several months. Additionally, he supported a constitutional amendment to ban same-sex marriage. He also opposed the repeal of "Don't Ask Don't Tell." Senator

Sessions' record sends the message to marginalized survivors that their experiences will not be understood, nor will their rights be protected, if he is confirmed as the Attorney General.

#### OPPOSITION TO THE VIOLENCE AGAINST WOMEN ACT

We are also concerned that the nominee voted against the Violence Against Women Act (VAWA) Reauthorization of 2013. Seventy-eight out of one hundred senators supported the bipartisan bill; Senator Sessions was in the distinct minority. The 2013 Act addresses the gaps in law that were uncovered through outreach to and surveys of programs and service providers and domestic and sexual violence victims themselves.

Our analysis revealed that many survivors were not able to access services and justice to the extent they needed. Of particular note, we found that LGBT survivors often lacked access to justice and support based on their gender identity or their sexual orientation. We also learned of the deplorable lack of access to justice faced by survivors of domestic violence and sexual assault on tribal lands. VAWA 2013 included provisions that removed one of many barriers that prevent access to justice for American Indian and Alaska Native domestic violence survivors. The 2013 statute's provisions expand and ensure that immigrant survivors can access VAWA protections, allowing survivors to come out of the shadows, help hold batterers and abusers accountable, and enable law enforcement to protect community safety. VAWA 2013's goal of ensuring equal protection of the law was rejected by Senator Sessions, who cast the bill's advancements toward inclusion and equal protection as political maneuvering and, in that light, voted against the bill. The Attorney General is tasked with ensuring that VAWA's protection and programs are available and accessible to all. Senator Sessions' opposition to the VAWA protections and his prosecutorial record leave us gravely concerned that he would not vigorously or consistently apply these protections.

#### CONCLUSION

The 14th Amendment provides the inalienable right that every person receive equal protection under the law. Senator Sessions' senate record of strenuous objection to protections for historically marginalized populations, coupled with his record of selective prosecutions, demonstrate his unwillingness to protect marginalized victims' access to justice and disqualify him from holding the position of Attorney General of the United States, a position charged with the responsibility of securing justice for all. Selective application of the law and outward hostility towards victims of sexual and domestic violence in historically marginalized populations has a chilling effect on their willingness and ability to seek services and protection. It drives sexual violence, domestic violence, dating violence and stalking underground, something we have made great strides to avoid. The Attorney General of the United States must be an individual committed to protecting the inalienable right of equal protection under the law to all within United States' jurisdiction. Moreover, his minimizing comments about the nature of sexual assault call into question his dedication to enforcing the law and providing justice to victims of this serious crime.

In short, we oppose Senator Sessions' confirmation as Attorney General of the United States and we ask you, as a member of the Senate Judiciary Committee, to ask him direct questions regarding the concerns raised in this letter, and to advise the President, pursuant to the prescription of 28 U.S.C.



\$503, that Senator Sessions' is unqualified to hold this post.

Yours truly,

THE NATIONAL TASK FORCE TO END SEXUAL  
AND DOMESTIC VIOLENCE.

Mr. REED. Mr. President, after a great deal of careful thought and consideration, I have decided to oppose Senator SESSIONS' nomination to be the next Attorney General of the United States.

I have long served with Senator SESSIONS. While he and I have frequently disagreed on certain legal and civil rights issues, I have never doubted the sincerity or heartfelt nature of his positions. I am deeply concerned, however, that he cannot be the effective check on the Executive Branch that our nation currently needs.

In just the short time since President Donald Trump took office, our Nation has faced upheaval and challenges to the way our government typically runs. The President's unprecedented refusal to divest himself of his business holdings while in office has created legal and constitutional conflicts that are unique in our Nation's history. His use of social media to antagonize American businesses has already caused needless volatility in our economy, which is the cornerstone of global financial stability. Most recently, he has unilaterally enacted a ban on travel to the United States from several Muslim-majority countries—creating chaos in airports, separating families, and tarnishing our Nation's image around the world. It is of great concern to me that Senator SESSIONS has already stated his unwillingness, if confirmed, to recuse himself from investigations into potentially unlawful activities of the Trump campaign and Trump administration.

Moreover, Senator SESSIONS and I disagree on how the law should treat immigrants, refugees, the LGBTQ community, women, and racial minorities, among others. These disagreements go to the heart of the Justice Department's law enforcement and civil rights functions. For instance, in 2013, Senator SESSIONS voted against a bipartisan effort to reform our Nation's immigration laws. This effort garnered overwhelming support from both sides of the aisle and would have done much to address the immigration problems facing us today. He also voted against the 2013 reauthorization of the Violence Against Women Act, which provides much-needed support to and protections for some of the most vulnerable people in our communities—and is overseen by the Justice Department that he hopes to administer. Additionally, his statements and votes in opposition to reaffirming the prohibition on torture run counter to our values and basic precepts of international law. And he has voted against every recent effort in this Chamber to establish the most basic, commonsense laws that would keep our communities safe from the threat of gun violence. He also has called into question the Voting Rights Act and praised the Supreme Court's

harmful decision striking down a key section of this law.

These are just some of the clear disagreements I have with the positions Senator SESSIONS has taken over the years, which cause me to doubt his ability to effectively lead the Justice Department. Our next Attorney General should be a champion for all Americans' civil rights and civil liberties. The occupant of that office should give Americans confidence in our judiciary, our elections, and the impartial due process that is the hallmark of the rule of law. Therefore, I cannot support Senator SESSIONS' nomination to be Attorney General of the United States.

Mr. MARKEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

Mr. LEE. Mr. President, I rise today to speak in support of the nomination of Senator JEFF SESSIONS to be the next Attorney General of the United States.

I enthusiastically support this nomination, because I know Senator SESSIONS to be an independent-minded man of great integrity. He is someone who understands and respects the rule of law. He values it deeply, in fact. He is someone who understands the difference between making law and enforcing the law. He understands the difference between setting policy and enforcing laws that contain policy, and he is someone who understands that, as a lawyer, the very best way to serve your client often involves offering honest, independent advice—honest independent advice of the sort that might not always occur to the client on the client's part.

I have listened to the remarks of some of my colleagues, and I have to state that I have served with Senator SESSIONS for the last 6 years, ever since I first became a Member of this body, and I don't recognize the caricature that has been painted of him over the last 24 hours. So I want to address head-on several of my colleagues' expressed concerns about his nomination.

Some of my colleagues have expressed and relied upon what really amount to policy concerns—policy disagreements between themselves and Senator SESSIONS—as a reason to oppose his nomination.

As I explained it in our Judiciary Committee markup last week, I have disagreed with Senator SESSIONS not just 1 or 2 times but on many, many occasions and not just on a few isolated issues that are only tangentially related to something important to me but on circumstances and issues that are very important to me and that are at the center of my legislative agenda.

We have disagreed, for example, about sentencing reform. We have disagreed about immigration reform, and several important national security issues implicating constitutional law, and constitutional policy. All of these issues are very important to both of us—to me and to Senator SESSIONS. They can be emotional issues, and they happen to be issues on which Senator SESSIONS and I disagree, not just a little bit, but we happen to disagree taking almost diametrically opposed positions in many of these areas.

Notwithstanding these disagreements—disagreements that I have seen in every one of the 6 years I have served in this body so far—I have never seen Senator SESSIONS raise his voice in anger against a colleague. To be sure, Senator SESSIONS makes his arguments vigorously, passionately, and forcefully, and yet he does so in a way that ensures that he will always treat his colleagues, even though he disagrees with them, with dignity and respect. You may not persuade him that your position is right and his is wrong, but he always gives you the opportunity to make your case. I think Members of this body know that. Those Members of this body who have actually taken the time to get to know Senator SESSIONS and actually have the opportunity to work with him, even the opportunity to disagree with him know that. Senator SESSIONS interacts with his colleagues in a way that demonstrates a degree of respect for differences of opinion that are seldom seen here. In fact, I can't think of a colleague who better exemplifies the principles of collegiality to which we aspire in this body than does Senator SESSIONS.

Perhaps even more importantly, Senator SESSIONS obviously understands the difference between lawmaking on the one hand and law enforcement on the other hand. This is plain from testimony he provided before the Judiciary Committee.

As just one example, he told us:

To go from the Legislative branch to the Executive branch is a transfer not only of position, but of the way you approach issues. I would be in an executive function and enforcement function of the law this great legislative body might pass."

His commitment to the rule of law and even application of the law is also plain from his public record, from his record serving in other positions. His record, for example, as U.S. Attorney for the Southern District of Alabama, and his record as attorney general for the State of Alabama.

To put the matter quite plainly, a great number of Senators have served in the Cabinet over the years. The standard has never been that a Senator is somehow unfit for the executive branch—for a Cabinet position in the executive branch—if he or she has disagreed with you on important issues. If that were the standard, no Senator would ever be confirmed because we debate important public policy issues

every single day, and it is never the case that we will find any among us, even colleagues, with whom we agree most of the time who are going to agree with us 100 percent of the time. So I urge my colleagues to put aside any policy differences they might have with Senator SESSIONS when considering his nomination and when deciding how they are going to vote in response to his nomination, because those simply are not relevant to his job and, at a minimum, ought not to be disqualifying factors relevant to his job.

As to independence, some of my colleagues doubt that Senator SESSIONS will be an independent voice at the Department of Justice. Respectfully, I can say with full confidence that anyone who actually knows Senator SESSIONS knows that he is fiercely independent-minded. He never shies away from expressing his closely held, sincerely developed views on any issue, even when political pressure might suggest a different course of action be in order. It is clear that SESSIONS will apply his independent-mindedness to his job after he is confirmed as Attorney General of the United States.

During his testimony before the Judiciary Committee, he repeatedly outlined the importance of having an independent Attorney General, and he explained how he would fulfill this obligation, how he would become precisely such an Attorney General, one who would exercise a degree of independence and not simply be a rubber stamp.

For example, he told us that every Attorney General “understands, I think, that if a President wants to accomplish a goal that he or she believes in deeply, you should help them do it in a lawful way but make clear and object if it is an unlawful action.” He described that role—being able to tell the President “no,” that is—as “the ultimate loyalty to him.”

He testified: “I hope that President Trump has confidence in me so that if I give him advice that something can be done or cannot be done, that he would respect that.”

Sessions also explained that if the Attorney General were asked “to do something plainly unlawful, he cannot participate in that. He or she would have to resign ultimately before agreeing to execute a policy that the Attorney General believed would be unlawful or unconstitutional.” Senator SESSIONS made this point repeatedly. He made it with great emphasis and in such a way that it is unmistakably clear to me that this is the Attorney General he would aspire to be and that he would in fact become after being confirmed.

Now, some may argue that you cannot necessarily trust his testimony because no Attorney General nominee would declare an intention to be a rubberstamp to the nominated President. Others may argue that Senator SESSIONS was too involved in the Trump campaign to be impartial. This is one of those points that you either

believe or don't believe. You can't reason your way to an answer. You have to know the person.

So I urge my colleagues to reflect on their experiences with Senator SESSIONS. If I know one thing about him, he is not a “yes” man. If I know one thing about him, it is that of all the people with whom I have served in the Senate, he is one of the very last who I would ever expect in any context to sell out his sincerely held views on the basis of political expediency. Instead, Senator SESSIONS takes his professional responsibility very seriously.

When he was a lawyer, he took seriously his obligations to his client and the law. As a Senator, he has taken seriously his obligations to the people of the State of Alabama. I know he will do the same thing at the U.S. Department of Justice.

He told us that “the Attorney General ultimately owes his loyalty to the integrity of the American people and to the fidelity of the Constitution, and the legislative laws of the country.” This demonstrates that Senator SESSIONS understands, as any good lawyer does, that every lawyer has a client, and you understand how best to represent that client and that client's interest. You have to understand the nature of the attorney-client relationship. You have to know who the client is, you have to know how to interact with that client, and you have to be willing to push back on that client, even when—especially when—it is difficult, because that is the job of the lawyer. The obligations incumbent upon the lawyer provides that the lawyer sometimes has to push back on the client.

At the end of the day, it seems to me that some of my colleagues perhaps just want an Attorney General who will be openly, affirmatively, presumptively, perennially hostile to the President's agenda. Now, that has never been the standard, and it is not a workable way of arranging the executive branch of the U.S. Government. The President should be allowed to assemble his or her team so long as the President picks people who are qualified, people who are willing and able to fulfill their constitutional responsibility, and people who do not have anything disqualifying in their backgrounds that would suggest that they cannot be trusted with this type of very substantial responsibility. Senator SESSIONS plainly satisfies these criteria.

So I support Senator SESSIONS' nomination. I do so wholeheartedly. I do so, I would add, with a somewhat heavy heart, knowing that as we take this step and confirm Senator SESSIONS as the next Attorney General of the United States, we will be losing a colleague—not just any colleague but a colleague that has been a dear friend to me, who has been a kind mentor and a good example to me at every stage of my service in the Senate. He has done this not only when we have agreed, but

he has done this especially when we have disagreed. That is what I love so much about Senator SESSIONS—that he has taught me much about how to get along with and respect people who sometimes reach different conclusions than I reach on my own.

Thank you, Mr. President.

I yield the floor.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93-618, as amended by Public Law 100-418, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements: the Senator from Utah (Mr. HATCH), the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. CRAPO), the Senator from Oregon (Mr. WYDEN), and the Senator from Michigan (Ms. STABENOW).

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 114-196, the appointment of the following individuals to serve as members of the United States Semiquincentennial Commission:

Members of the Senate: the Honorable TOM COTTON of Arkansas, and the Honorable PATRICK TOOMEY of Pennsylvania.

Private Citizens: Cathy Gillespie of Virginia, Daniel DiLella of Pennsylvania, Lucas Morel of Virginia, and Tom Walker of Alabama.

Mr. LEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. HARRIS. Mr. President, my parents met when they were graduate students at the University of California, Berkeley, in the 1960s when they were active in the civil rights movement. In fact, my sister and I joke that we grew up surrounded by a bunch of adults who spent their full time marching and shouting for this thing called justice.

I was part of only the second class to integrate Berkeley, CA, public schools almost two decades after the U.S. Supreme Court declared that separate was inherently unequal in the great case of *Brown v. Board of Education*—a case, I might add, that was supported by an amicus brief from the then U.S. Attorney General.

In fact, it was the lawyers in *Brown v. Board of Education*—Thurgood Marshall, Charles Hamilton Houston, and Constance Baker Motley—who inspired me at a young age to become a lawyer.

Simply put, it is likely that had the U.S. Supreme Court not decided the