

Senator Dianne Feinstein
February 7, 2017
Floor Statement Opposing Jeff Sessions as Attorney General

“I rise to oppose the nomination of Senator Sessions to become the attorney general of the United States.

I think some of us, and I certainly, have lived through many difficult times in this country. But today, the country is as divided as I have ever seen it.

Some Republicans have said that Democrats are in the “anger” stage of grief. But with all due respect, those statements just trivialize what’s going on in this country. It’s not trivial. And it’s not small.

Today, America is a country split in half with at least half objecting to the actions of this president, including his nominee for attorney general.

My office has received approximately 114,000 calls and emails regarding Senator Sessions, with 112,000—more than 98 percent—opposed to this nominee.

I’d like to just quote a few of my constituents who deeply oppose this president and this nominee, or have been taking to the streets to protect the fundamental values of America.

Here’s one from a doctor: I marched because of the thousands of patients I’ve seen in this community, people of color, immigrants from all over the globe, who are terrified about the loss of their rights and the dramatic explosion of racially and culturally focused hate crimes we’re reading about.

I marched on Saturday because women must not be denigrated, such as we’ve seen by the attitude exemplified by our new president in his unmeasured remarks. I marched on Saturday because I’m desperately worried that the progress this country has made in recognizing the rights of all Americans regardless of race, ethnicity and religious belief, is now threatened with a roll-back to the ‘50s. The American process of justice is a beacon and an example to the world. Jeff Sessions must not be confirmed.

Here’s another: As a Californian who wants to finish school, as a Californian with pre-existing conditions, as a Latina and as the kid of a South American immigrant—I don’t know what I can say other than please, please protect us from whatever is coming as best you can.

One woman who marched after the Inauguration came to my office the following Monday and wrote a hand-written note explaining why she marched. Here’s what it said: “Our president quickly dismisses all protesters as ‘professionals’ and ‘sore losers’. I am here in Washington for his first full week of the presidency to send the message that I am neither a ‘professional’ nor a ‘sore loser’—just an ordinary American citizen who can no longer sleep well at night worrying about how his agenda will negatively impact not only our country, but

democracies all over the globe. America is already great she says; what Trump and his administration will do is destroy it.”

To my constituents—the 112,000 who have called and emailed to oppose this nominee, let me say this: I hear you.

And to my Republican colleagues, this is not grief about losing an election. At no time when I, or my party, lost an election, or when the president was of a different party, did I feel the way I feel today.

For most presidents, there is a hope—a hope of unity, a hope of bringing people together, a sense of common purpose. That’s what is meant to be a leader of this country—the whole country. Red states and blue states. All of our people.

President Obama began his tenure in office with a 69 percent approval rating.

President George W. Bush talked about compassionate conservatism. After a terrorist attack killed nearly 3,000 people, President Bush went to the Islamic Center in Washington on September 17, 2001, and said and I quote, “Islam is peace.”

He said: “Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect. In our anger and emotion, our fellow Americans must treat each other with respect.”

Incidentally, President Eisenhower dedicated the Islamic Center in 1957. And here’s what he said then: “Under the American Constitution, under American tradition, and in American hearts, this center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience.”

That was the man who led American and Allied Forces in Europe against Nazi Germany, a regime of pure evil that targeted Jews based on their religion and exterminated millions of Jews, Poles, Serbs, Roma, Soviet civilians, gays, lesbians, and many others.

President Eisenhower was saying that this country—the United States of America—would fight with her whole strength to protect the religious freedom of Muslims. Quote, “Without that concept,” end quote, President Eisenhower said quote, “we would be something else than what we are,” end quote.

Can anybody even imagine Donald Trump uttering words like two of his Republican predecessors—Dwight Eisenhower and George W. Bush?

Instead, there’s attack after attack after attack—on minorities, on immigrants, on Muslims, on women, on his critics, on judges, on the press, and yes even on truth itself.

There is the president's Muslim ban executive order, which our government says has caused between 60,000 and 100,000 visas to be revoked.

That order, which caused chaos at airports around the country, is now subject to nearly 60 legal challenges in federal courts.

On Friday, a federal judge in Washington State blocked implementation of major portions of the executive order. The judge, appointed by President George W. Bush, was then promptly attacked on Twitter by President Donald Trump.

And this afternoon, the Ninth Circuit will review the stay. To say this is just a stage of grief after losing an election is really to ignore reality.

Last week, Sally Yates had to stand up—and tell the president “no.” Now more than ever it is clear how important it is that the Department of Justice be independent from the president. When she stood up, she was promptly fired by this president.

And not only was she fired, she was maligned—her integrity and character in an over-the-top press statement.

Now this woman is a career prosecutor with 27 years of experience. She was the lead prosecutor in the terrorist prosecution of 1996 Olympic bomber Eric Rudolph. She actually went after a real terrorist and she got a conviction.

The president called her a “disgrace” and “weak on borders.”

Now, and here's the point: This is the man for whom Senator Sessions has been a stalwart campaign advocate.

In response to my written questions, Senator Sessions stated and I quote, “I endorsed him in part because he was a leader advocating for issues I supported and believed in,” end quote.

Senator Sessions was a close campaign advisor and supporter of the president. He was the first senator to endorse him. He spoke on Trump's behalf at the national Republican convention.

He appeared at numerous rallies. He attended at least 45 campaign events. And during the campaign, he spoke at large rallies, smiling and laughing while crowds chanted, “Lock her up.”

Then, in October of last year, at one of the presidential debates, and again at a rally in Virginia, candidate Trump repeatedly referred to him as “my attorney general.”

A month after the announcement of his nomination to be attorney general, he appeared again with the president-elect on a “thank you tour” in Alabama.

This was a rally where Trump repeated many of the president's campaign promises, such as building the wall, were repeated and crowds once again chanted "Lock her up!"

The president-elect introduced him, and Senator Sessions came forward. As he walked out to speak, to dramatic effect, he whipped out a "make America great again" hat, put it on, and pumped his fists into the air.

Already at this point he had been designated to be the next attorney general of the United States—an independent legal check on the president—a man who responds to the Constitution and the law independent of a chief executive.

Now one would have thought a sense of the solemn duty of the office of attorney general would have counseled against appearing at yet another political rally with Trump. But it did not.

At that rally, as attorney general designate, Sessions said the Trump campaign was "more than a normal campaign, but a movement."

And when he finished speaking, he thanked the president-elect for the "opportunity to participate in a movement that I believe can help make America great again". So to me this is key. This shows how Senator Sessions views this appointment: as an "opportunity to participate in a movement" to advance the president's agenda. This is not the role of the attorney general of the United States.

This is more political than any attorney general nominee in recent memory has ever been.

Can we really expect him to be an attorney general who is independent from President Trump? I do not believe so.

In fact, a recent *Washington Post* story reports the depth of Senator Sessions' involvement in the Trump transition.

The *Washington Post* reported that, during the transition quote, "Sessions became a daily presence at Trump Tower in New York, mapping out the policy agenda and making personnel decisions," end quote.

In fact, you can search C-SPAN, the website, for video of Senator Sessions speaking at Trump Tower about the transition. On November 15, in the lobby of Trump Tower, he said: "My former Chief of Staff is doing a great job under incredible demands. And the whole team is working long hours, I mean 20 hours a day kind of work that just is remarkable what's happening. I'm one of his co-chairs, of five, I believe, co-chairs of the committee under Vice President-elect Pence."

Then Senator Sessions said: "Steve Bannon is a powerful intellect and a thoughtful leader that consistently provides good advice."

We learned last week that Steve Bannon thinks the same thing about Senator Sessions.

As Bannon wrote to the *Washington Post* just days ago, Sessions was, and I quote, and here it is, “the fiercest, most dedicated and most loyal promoter in Congress of Trump’s agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

The Post went on to report that Senator Sessions quote, “lobbied for a ‘shock-and-awe’ period of executive action that would rattle Congress, impress Trump’s base and catch his critics unaware, according to two officials involved in the transition planning,” end quote.

The article says quote, “Sessions had advocated even going faster”.

Now, we’ve seen the consequences of those actions. And what is the result? Division. Legal challenges. People marching in the streets.

Mr. President, Senator Sessions is not a man apart from this agenda. He is not independent of this agenda. He is part of it. He is committed to it. He is a leader of it.

Now let me now move to other parts of Senator Sessions’ records and what we learned from him in the hearing.

I said earlier that I cannot imagine a more important time for the Department of Justice to be independent of the president.

Part of that is because of what we know about the Russians and their illegal efforts to get this president elected.

The Intelligence community has reached the following conclusions about Russian activities during the election, among others and I quote, “We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election.”

Quote, “Russia’s goals were to undermine public faith in the United States’ democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency.” Quote, “We further assess Putin and the Russian Government developed a clear preference for President-elect Trump.”

Quote, “We also assess Putin and the Russian government aspired to help President-elect Trump’s election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him.”

Quote, “We assess with high confidence that Russian military intelligence (General Staff Main Intelligence Directorate or GRU) used the Guccifer 2.0 persona and DCLeaks.com to release U.S. victim data obtained in cyber operations publicly and in exclusives to media outlets and relayed material to WikiLeaks,” end quote.

These are just some of the conclusions that our intelligence agencies—all of them—have reached, including the FBI.

The Department of Justice, through the National Security Division and F.B.I., has an important role to play in investigating and prosecuting Russians or coconspirators in this matter.

The F.B.I. as I said was part of the assessment that led to the January report.

Now Senator Sessions chaired the president's National Security Advisory Committee during the campaign, that's a committee on which now National Security Advisor Flynn served.

So he was Trump's top person on national security. And it's no secret that explosive allegations about the president's and his campaign team's connections to Russia are out there.

As a senator, including as a member of the Armed Services Committee, was quite critical of Russia.

In 2000, he said Russia is a country where leaders lie, cheat, and steal to maintain political office. That was a floor speech on April 13, 2000.

In 2014, after Russia invaded Crimea, Senator Sessions said, and I quote, "I believe a systematic effort should be undertaken so that Russia feels pain for this." This was in the Montgomery Advertiser on March 19, 2014.

When he was a senator in the 1990s, he and other Republican Judiciary Committee members called for a special prosecutor because of allegations of \$1 million in Chinese monetary contributions to a presidential campaign. That's from a Floor speech on March 9, 2000.

He pointed to the campaign connection and said that meant the attorney general needed to appoint a special prosecutor. He said, "This is serious business. We ought not to treat this lightly."

Yet now that our intelligence community has concluded that Russia, at the direction of Vladimir Putin, invaded the American political process with massive hacks and leaks for the purpose of favoring candidate Trump, Senator Sessions says he has not even reviewed the intelligence community's reports.

When asked in writing by myself in question for the record two-b after his hearing whether he had even read the intelligence assessments, classified or unclassified, he said he had not read either one.

Now that's stunning—one of the most important national security revelations in recent years, and he's nominated to be attorney general, and he has not reviewed it.

Why? He attended at least 45 campaign events, was intimately involved in the campaign and transition.

But despite all of this, he would not commit himself to recuse himself. Mr. President, this should be of real concern to all of us.

Another nation, namely Russia, has attacked our political process in a major way—hacking a political party and leaking its internal deliberations.

This time, it targeted the Democratic Party. Next time, it could be the Republican Party. But whichever party it is, we can't let this to continue.

Intelligence and law enforcement professionals must be able to follow the facts wherever they lead. The investigation could lead to the prosecution of people who helped hack and leak information hacked by Russia to help the president's campaign.

It obviously has the potential to create embarrassment for the president and his people, and to implicate people involved in the campaign.

So the question is a big one and we ought to think about it. How will this nominee handle an investigation and prosecution into an unprecedented and major foreign intrusion into the election of the president of the United States?

Can he be independent of the White House? I do not believe he can.

Let me move on to voting rights. Senator Sessions long ago testified that he thought the *Voting Rights Act* was an “intrusive” piece of legislation.

He acknowledged this again in his hearing. In 1986, Senator Sessions' said: “It is a serious thing . . . for the federal government to come in and to sue a county and say we're going to change the form of government that you have been living with for 20 years”.

That implies a hesitation to use the *Voting Rights Act* to change certain systems of election in counties that were adopted to disenfranchise minorities.

When we considered the *Voting Rights Act* reauthorization in 2006, the senator voted for it.

But he also expressed skepticism about the preclearance provision of the act, Section 5, which was a core part of the act.

And then, when the Supreme Court narrowly ruled 5-4 in *Shelby County*—that's a decision—that Section 5 of the *Voting Rights Act* could no longer be enforced, Senator Sessions called it “good news for the South.”

What does that mean? It means state after state that had been prevented from denying the right to vote by Section 5 now can proceed, unless they are affirmatively stopped by a new lawsuit that takes time to develop.

And a wave of new laws suppressing the vote were quickly passed following the Supreme Court's hearing.

He has tried to argue that he will fully enforce the *Voting Rights Act*.

In his committee questionnaire, he pointed to four cases he claims were among the 10 most significant litigated cases he "personally handled."

As Senator Franken demonstrated in our committee, his record of handling these cases is thin at best.

Lawyers who handled three of the cases say Senator Sessions had no substantive involvement.

He did not mention them in his 1986 questionnaire, even though the cases were ongoing at that time. And now he says he played a supporting or assistance role in them.

So these cases do not make me confident that as attorney general overseeing the civil rights division he will ensure that civil rights and voting rights laws are fairly enforced.

So I asked him questions to see what he would do.

I pointed out in written questions that several voter ID laws have now been struck down or severely limited under the *Voting Rights Act*.

Just one example: one of the most conservative appeals courts in the nation, the Fifth Circuit, found that Texas' law violates the *Voting Rights Act*.

According to the courts, 608,470 registered voters in Texas lacked required ID, and black and Latino voters were far more likely than white voters to lack the required ID.

The court found that the Texas law had a discriminatory effect, in violation of the *Voting Rights Act*.

Now this means the Justice Department can protect the voting rights of Americans in these cases. So I asked him: Will you continue to enforce the *Voting Rights Act* in these situations? There is now precedent for it. He would not answer.

He tried to say that the Supreme Court has actually held that Voter ID laws do not necessarily violate the *Voting Rights Act*. That's my written question for the record number 14.

But the Supreme Court decision he referenced, Crawford v. Marion County Election Board, did not talk about the *Voting Rights Act* at all.

So I asked him to clarify his response.

His answer indicated it was just his own view that Voter ID laws do not necessarily violate the *Voting Rights Act*. This was a follow-up question number seven-a.

That may be his personal view—but the courts’ view is that these laws can and in some circumstances do violate the *Voting Rights Act*.

But he still has refused to say whether he will bring those cases.

Then, when asked about voter fraud by Senator Coons, Senator Sessions responded that he believes quote, “fraudulent activities regularly occur,” end quote, during elections.

He pointed to a single report to support his view that Voter IDs laws are a good idea. That’s Coons question for the record nine-b.

He refused to comment on data provided by Senator Coons that showed the rarity of in-person voter impersonation fraud, which is the only thing a voter ID law can catch.

He didn’t comment about the impact on hundreds of thousands of legitimate voters, many of them minorities and students, who are denied the fundamental right to vote by these laws.

And now we have the president on Twitter and television claiming that millions of illegal votes were cast and that’s why he lost the popular vote by nearly 3 million votes, and ordering his administration to do that.

And if President Trump asks Attorney General Sessions to carry out his partisan, pointless investigation, what will Senator Sessions do?

Is the legendary civil rights division of the Justice Department going to become President Trump’s political investigator?

Or will it defend and use the *Voting Rights Act* to protect the right to vote of millions of Americans against efforts by states to take that right away?

I just don’t have confidence that Jeff Sessions will fairly apply the law in this area.

Now if confirmed, what will Senator Sessions do when faced with questions on reproductive rights? Will he undermine a woman’s fundamental right to control her own body and her own reproductive system?

In 2015, Senator Sessions voted for legislation that would impose a nationwide ban on abortion after 20 weeks.

That legislation had a penalty of jailing doctors for up to five years. And it would have forced survivors of rape and incest to overcome additional and medically-unnecessary hurdles before they could receive an abortion.

The legislation also had no exception for a woman's health and only a narrow exception to save her life.

Imagine what it's like to be a woman who learns that she has serious complications late in pregnancy and that she will suffer debilitating physical health effects if she cannot get an abortion.

And then imagine having to tell her that her health must suffer for the rest of her life because politicians have prohibited her from making her own health care decisions.

But this is the outcome Senator Sessions voted for.

Senator Sessions believes the case that established a woman's right to control her own reproductive system—*Roe v. Wade*—is one of the quote, “worst, colossally erroneous Supreme Court decisions of all time,” end quote.

In fact, weeks ago, when testifying before our committee, I asked him if this is still his view.

And he said, “It is.” He even said *Roe v. Wade* “violated the Constitution.”

Mr. President, that statement essentially invites states to enact more and more restrictions on women's fundamental access to health care.

It is a signal to those states that if they enact restrictions, and are challenged in court, then the Justice Department may in fact support them and try to overturn *Roe v. Wade*.

In fact, I asked him about that, and he did not rule out the Justice Department pushing to overturn *Roe*.

He left the door open by saying and I quote, “Such decisions would depend upon the unique circumstances of the case or cases as they arise. I will not pre-judge the issues.” That's the response to my question for the record six-a.

He even refused to rule out punishment for women who have abortions—a position President Trump took during the campaign. That's a response to Senator Blumenthal question for the record 11-a.

So, what does that mean for him, as attorney general of the United States? It means he may very well seek to overturn *Roe v. Wade*.

It means the Justice Department may go to court and support continued state efforts to further and further restrict the rights of women to control their own reproductive system.

Bottom line: I do not have confidence that Senator Sessions will fairly and independently safeguard the freedoms of the women of America.

Let me move on to immigration.

Senator Sessions has been the staunchest opponent of comprehensive immigration reform, preventing the passage of legislation to strengthen the border and prevent families from being torn apart.

Senator Sessions opposed immigration reform so strenuously that he drafted and distributed his own book entitled “Immigration Handbook for the New Republican Majority,” end quote.

This handbook implied that immigrants were taking jobs from low-income minorities and abusing public benefit programs—setting people against each other.

More alarmingly, Senator Sessions voted at least twice against the *DREAM Act*, which seeks to protect some of our country’s most vulnerable youth, undocumented individuals—children who were brought here through no choice of their own.

On President Obama’s executive action to protect children—known as DACA—he doesn’t just oppose it. He’s actively seeking to take it down.

A recent *Washington Post* article says he is lobbying for the administration to overturn DACA.

It’s one thing to disagree on policy, but it’s quite another when the policy could crush the lives of ordinary people.

In December, I wrote an op-ed in the *San Francisco Chronicle* about the importance of DACA and what it means for Californians.

I discussed the story of Denisse Rojas, brought to the United States as a 10-month old baby.

Rojas’ family is similar to families with mixed-status. Her father and mother came to the United States to create a better life for their children.

Denisse excelled in high school and majored in biology at U.C. Berkeley. She worked as a waitress and commuted an hour each way to classes because she couldn’t afford to live near campus. After graduation, she volunteered at San Francisco General Hospital.

Denisse dreamed of going to medical school, driven in part by a family member’s early death from cancer. The disease was diagnosed at a late stage because the family’s immigration status made it impossible to afford health insurance.

Today, Rojas is enrolled at the New York’s Icahn School of Medicine at Mt. Sinai where she’s on track to earn her degree in 2019.

She intends to specialize in emergency medicine and work in low-income communities to provide health care to families like her own that would otherwise go without necessary treatment.

This is the perfect case for discretion. This is the perfect case for the exercise of a just humanity.

But Senator Sessions is lobbying to overturn DACA.

The consequences of such a draconian and inhumane action would be devastating to thousands of people in my state, and I find it deeply disturbing that Senator Sessions would advocate for the deportation of children who have known no other country but the United States.

And if he doesn't believe these youth deserve some sort of prosecutorial discretion when it comes to deportation, how's he going to act as our nation's leading federal criminal prosecutor?

It's no secret that he believes in an aggressive use of executive enforcement in the power of immigration.

He testified in response to Senator Flake that he favors a quote, "zero tolerance" policy for immigration crimes.

Immigration offenses already make up about a third of all federal prosecutions each year. So does it make sense to increase that substantially?

There certainly are more troubling crimes, at the border and across the country, that require the attention and resources of the Department of Justice.

Human trafficking. Smugglers. Organized crime. Gangs. Drug trafficking. Hate crimes. White collar crime. Civil rights. Voting rights. Just to name a few.

So Senator Sessions' opposition to prosecutorial discretion causes me great concern.

Let's move on to criminal law. During the hearing, discussing sentencing with Senator Coons, Senator Sessions revealed his view about what a federal prosecutor should be.

He said it was quote, "a problematic thing" that is "difficult to justify" when a prosecutor uses some discretion to bring lesser charges or not to charge the maximum drug charge available.

Now as we know, drug prosecutions were the most common federal charge in 2015, so Senator Sessions' view on them will have a big impact on workload in U.S. attorney's offices.

If it becomes the nationwide policy of the department, it will mean mandatory sentences of five years, 10 years, 20 years, and even life in prison for drug charges imposed much more often.

Because, depending on how prosecutors charge cases, the law will tie judges' hands when it comes to a sentence. And that's how our system works today.

The mission of a prosecutor is to do justice, not instinctively bring the maximum charge.

Then-Attorney General Robert Jackson said in 1940: "The prosecutor has more control over life, liberty, and reputation than any other person in America. His discretion is tremendous." Quote, "Your positions are of such independence and importance that while you are being diligent, strict, and vigorous in law enforcement you can also afford to be just. Although the government technically loses its case, it has really won if justice has been done."

For Senator Sessions to say that a prosecutor cannot exercise some judgment, based on the circumstances of a case, to seek a lesser charge or a lesser punishment—in my view, is just not correct.

We have discussed mandatory minimum sentencing in the Judiciary Committee. The senator from Illinois, distinguished as he is, has been a leader in this cause. It's been discussed for years in the context of the sentencing reform efforts led by Senators Lee, Cornyn, Durbin, Grassley, Leahy and Whitehouse.

Senator Lee in particular has been a passionate advocate against mandatory minimum sentencing.

I believe in enforcement of the drug laws—I always have.

These are difficult questions about what actions the Justice Department would take in states that have legalized marijuana in some way or another under their own laws.

But the bottom line is this: Sensitivity and good judgment are needed in prosecutorial decisions.

We want to make sure the sentence fits the crime and that resources are used wisely.

Senator Sessions' comments make it clear that he generally opposes granting discretion to a prosecutor to impose a lesser charge or a lesser sentence, based on the circumstances of a case before them.

One thing I found striking was that in Senator Sessions' written statement to the committee, he said the following: "I understand the demands for justice and fairness made by the LGBT community."

I have served on the Judiciary Committee for 24 years—20 of them have been alongside Senator Sessions.

I cannot recall a single time when he spoke about supporting any kind of “justice and fairness” for the LGBT community, or made any kind of statement like this.

And we looked and couldn’t find one in the Congressional Record either. In fact, the statement stands at odds with his record.

And let me give you just a few examples. In 2011, we marked up a bill I had introduced to repeal the *Defense of Marriage Act*, known as DOMA, which denied married gay and lesbian couples equal protection under federal law.

Not only did Senator Sessions vote no—as all Republicans on the committee did—but he asked questions like, “what about two sisters?” as if to compare same-sex marriage to incest— a demeaning statement about hundreds of thousands of families in this country.

He voted against allowing gay and lesbian Americans to serve in the military.

In 2009, he voted against the *Matthew Shepard and James Byrd Hate Crimes Act*. He said he just did not see that kind of discrimination happening against the LGBT community or women.

And he said the law was potentially unconstitutional, which is not an argument that, to my knowledge, has ever been accepted by a court.

In 2006, he voted to enshrine discrimination in our Constitution by supporting a constitutional amendment to ban same-sex marriage everywhere in the country.

What did he say? He said the Senate had to debate the amendment because of quote, “a deliberate and sustained effort by leftists in America,” “social activists,” and “activist judges.”

He talked about harm to children, ignoring the fact that same-sex couples are in fact raising children, and that denying equal legal recognition to their families actually hurts those children.

Then he went on to criticize the 2003 decision of the Supreme Court in *Lawrence v. Texas*, which essentially said that private homosexual conduct cannot be made a crime in this nation.

The *Lawrence* decision, written by Justice Anthony Kennedy, was a victory for freedom.

How did Senator Sessions describe it?

He argued the decision was wrong, and quote, “troubling, with far-reaching ramifications,” end quote.

He said it was a “new vision of social justice, masquerading . . . as constitutional law,” end quote.

He called Justice Scalia's dissent "brilliant." That dissent, by the way, accused the Supreme Court of quote, "sign[ing] on to the so-called homosexual agenda, by which I mean the agenda promoted by some homosexual activists directed at eliminating the moral opprobrium that has traditionally attached to homosexual conduct," end quote.

And when he was attorney general of Alabama he sought to shut down a conference of LGBT students on a public university campus in Alabama.

This was despite a Supreme Court decision, issued just a year earlier, protecting a Christian student group from discrimination based on viewpoint.

The Eleventh Circuit Court – in a panel of three judges appointed all by Republican Presidents – called the state's action quote, "blatant viewpoint discrimination" and characterized Sessions' arguments as quote, "feeble."

Does any of this sound like the actions of a person who "understand[s] the demands for justice and fairness made by the LGBT community?"

My answer is no. And how will that effect the attorney general?

Mr. President, the attorney general must enforce federal hate crimes law.

The attorney general must ensure that federal law treats same-sex couples equally—that their right to marry and be treated equally under federal law is recognized and protected.

Here we are Mr. President—I think at a very difficult and dangerous turning point.

We have a president with little apparent regard for constitutional or legal restrictions who is willing to take to Twitter to target and abuse individuals and groups of Americans, and even belittle and demean federal judges and the federal court system, just as he did during the campaign.

We have a president who has taken a "shock and awe" approach with cruel, un-American, and potentially illegal executive orders even in his first two weeks in office, which this nominee reportedly urged be done even faster.

We have a president who wants to bring back torture—even though, thanks to Senator McCain, Congress has already stated that it is clearly illegal.

We have a president who already is angering long-time allies like Australia and making ridiculous threat of sending troops to Mexico.

And we have a nominee for attorney general who is anything but independent.

He was part and parcel of the Trump campaign apparatus, transition, agenda and way of thinking.

As Steve Bannon wrote to the *Washington Post* just days ago, Sessions was and I quote, “the fiercest, most dedicated and most loyal promoter in Congress of Trump’s agenda, and has played a critical role as the clearinghouse for policy and philosophy to undergird the implementation of that agenda.”

Do any of my colleagues, Republicans or Democrats, think Steve Bannon didn’t know what he was talking about in this email to the *Washington Post*?

Do any of my colleagues believe that if Senator Sessions is confirmed he is going to take off the political hat and be an even-handed attorney general for all Americans who will tell this president no when it’s merited on the basis of the law and the Constitution?

I just don’t believe it for a second.

So I must vote no, and I urge my colleagues to do the same.”