

January 9, 2017

United States Senate  
Committee on the Judiciary  
Washington, DC 20510

Dear Senator:

On behalf of the three million members of the National Education Association and the students they serve, we wish to express our strong opposition, based on the totality of his record, to Senator Jeff Sessions nomination to be U.S. Attorney General. As the Committee begins its hearing process, we note that in both his home state of Alabama and the U.S. Senate, Sessions has fought against equitable funding for public schools, opposed rights for students with disabilities, and undermined additional civil rights across a range of issues.

Specifically, Sessions has played a lead role in:

- **Defeating a landmark lawsuit to ensure equitable funding of public schools, *Alabama Coalition for Equity, Inc. v. Hunt*.** Before Sessions became attorney general of Alabama, a trial court found that extreme disparities in funding among wealthy and poor schools led to school conditions so inequitable they violated the state constitution—for example, schools in poor districts were dangerous, dilapidated, and infested with insects; lacked teachers, librarians, social workers, nurses, and counselors; and could not afford any art, music, or science instruction. After he became attorney general of Alabama, Sessions got the state to reverse course and revive its challenge to the lawsuit, ultimately prevailing on a technicality. Decades later, Alabama’s schools continue to face unequal funding, deep racial disparities, and desegregation orders—54 school districts are under desegregation orders today. Yet Sessions has signaled that he would end these protections, claiming that the orders are “an end run around the democratic process” (Alabama Policy Institute, *Consent Degrees in Institutional Reform Litigation: Strategies for State Legislatures*, 2008).
- **Denouncing the Individuals with Disabilities Education Act (IDEA).** This landmark law, which has enjoyed bipartisan support for decades, has made it possible for millions of students with disabilities to move out of institutions and into classrooms, including those with intellectual and learning disabilities. Yet Sessions claims, without evidence, that IDEA has “accelerat[ed] the decline in civility and discipline in classrooms all over America” (*Congressional Record*, Vol. 146: S3573, May 8, 2000). He believes that only students with physical disabilities should have equal access to a public school education—students, who in his words, “have a hearing loss, or a sight loss, or if they have difficulty moving around in a wheelchair” (*Congressional Record*, Vol. 147: S11518, Nov. 7, 2001). Nowhere does he

acknowledge that IDEA also covers students with learning, social, and emotional disabilities even though the law itself says, “The term ‘child with a disability’ means a child ... with mental retardation ... speech or language impairments ... serious emotional disturbance ... autism, traumatic brain injury ... or specific learning disabilities” (Pub L. 105-17, 111 Stat. 43 (1997), *codified as amendment at* 20 USC. § 1401(3)(A)(i)).

- **Undermining civil rights across a range of issues.** Sessions admitted that he had called the Voting Rights Act an “intrusive piece of legislation” at the Senate Judiciary Committee’s 1986 hearing on his nomination for a federal judgeship. Another witness testified that he had also described the NAACP and ACLU as “un-American” and “Communist-inspired” organizations that “forced civil rights down the throats of people.” As attorney general of Alabama, Sessions asserted that LGBT student groups were criminals precisely because they advocated for lesbian, gay, bisexual, and transgender Americans. After a federal court ruled that his attack on LGBT groups was a “naked” violation of the First Amendment, Sessions vowed “to do everything I can to stop” an LGBT conference at a public university, and was again rebuked by a federal court. (*Gay Lesbian Bisexual Alliance v. Sessions*, 1996).

It is the duty of the U.S. Attorney General to enforce the federal laws that govern equity and segregation in public schools, including Title IV and Title VI of the Civil Rights Act, the Equal Educational Opportunities Act, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and Section 504 of Rehabilitation Act. Senator Sessions’ record in these areas is deeply disturbing, especially in light of the ongoing harassment, intimidation, and violence against students based on race, religion, gender, gender identity, sexual orientation, and disability.

As you prepare for a hearing and a vote, we strongly urge you to oppose the nomination of Senator Jeff Sessions as U.S. Attorney General.

Sincerely,



Marc Egan  
Director of Government Relations