

January 9, 2017

The Honorable Charles Grassley  
Chair  
Judiciary Committee  
United States Senate  
135 Hart Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein  
Ranking Member  
Judiciary Committee  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Grassley and Feinstein:

On behalf of the undersigned national advocacy organizations representing the interests of millions of people with disabilities, we write to express our strong opposition to the nomination of Senator Jeff Sessions to be Attorney General of the United States. Based on our review of Senator Sessions' record throughout his career, we have serious reservations about his commitment to adequately and fairly protect the rights of all Americans, including people with disabilities. As such, we ask that you and the other Committee members vote against his confirmation.

Senator Sessions' record reveals an alarming and consistent opposition to protection of the rights of people with disabilities. His apparent hostility to disability rights is especially concerning given the Justice Department's critical role in protecting the rights of people with disabilities through its enforcement of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, and its work with the Department of Education to enforce the Individuals with Disabilities Education Act (IDEA). In recent years, the Department's enforcement of the ADA's integration mandate has dramatically improved lives by ending the needless institutionalization of tens of thousands of people with disabilities and providing them the chance to live and receive services in their own homes and communities and to obtain competitive integrated employment through supported employment services rather than languishing in sheltered workshops. The Department's Disability Rights Section has also ensured that people with disabilities have access to governmental and recreational facilities and services across the country; receive instruction, services, and accommodations needed for equal educational opportunity in both K-12 and higher education; are able to vote at accessible polling places; and fully enjoy their parental and family rights.

Before his election to the Senate, during his two years as Alabama's Attorney General, Senator Sessions fought to eliminate two historic consent decrees protecting people with disabilities. These decrees, entered by Alabama following litigation challenging the state's child welfare system and its system of services for people with mental illness and intellectual and

developmental disabilities, each reformed a major service delivery system for people with disabilities. One reformed the state's child welfare system, which too often removed children with mental disabilities from their parents and placed them in institutional settings instead of providing effective services enabling them to stay in their homes and communities.<sup>1</sup> The other reformed state's mental health and developmental disabilities services agency, which needlessly placed thousands of individuals with mental illness and intellectual and developmental disabilities in institutions rather than in community settings.<sup>2</sup> In addition, Sessions challenged a court order finding that the state's school funding system violated the state constitution in part because it deprived students with disabilities who lived in poor districts of the services and supports they needed to succeed in school, such as ramps allowing physical access to school buildings and sufficient numbers of qualified special education teachers.<sup>3</sup>

As a Senator, Sessions has made statements suggesting a lack of commitment to protecting the rights of children with disabilities. Senator Sessions said that implementation of the IDEA, which requires schools to provide a free appropriate public education to students with disabilities, is "hurting public education," is "the single most irritating problem for teachers throughout America today," and is "a big factor in accelerating the decline in civility and discipline in classrooms all over America."<sup>4</sup> He has also endorsed the segregation of students with disabilities, stating that many of these children should be "put in an alternative setting where the disability could be dealt with."<sup>5</sup> And he has promoted troubling and unfounded stereotypes about people with disabilities, stating that students with mental disabilities "may often be the most dangerous ones, the ones most likely to come back in, say, six months from now and kill some innocent child in a classroom or shoot their teacher."<sup>6</sup>

Senator Sessions also suggested that Congress lacked the authority to lift states' sovereign immunity to lawsuits under the ADA, leaving victims of state-sponsored discrimination on the basis of their disabilities without full remedies.<sup>7</sup>

More recently, he voted against ratification of the Convention on the Rights of Persons with Disabilities, rejecting the plea of former Senator Bob Dole to approve this treaty that ensures basic protections for people with disabilities around the world.<sup>8</sup> He also voted against the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act, which expanded the federal hate crime law to include crimes motivated by the victim's disability.<sup>9</sup> As last week's brutal

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<sup>1</sup> See *R.C. v. Nachman*, 969 F. Supp. 682 (M.D. Ala. 1997).

<sup>2</sup> See *Wyatt v. Poundstone*, 892 F. Supp. 1410 (M.D. Ala. 1995).

<sup>3</sup> See Brief and Argument of Appellants, *James v. Alabama Coalition for Equity*, Nos. 1950240, 1950241 (Ala. Oct. 6, 1995), 1995 WL 17961142; Opinion of the Justices, 624 So. 2d 107, 142 (Ala. 1993).

<sup>4</sup> 146 Cong. Rec. 6995-97 (2000).

<sup>5</sup> 147 Cong. Rec. 21,895 (2001).

<sup>6</sup> 145 Cong. Rec. 10,154 (1999).

<sup>7</sup> See 151 Cong. Rec. S6250 (daily ed. June 9, 2005); *Confirmation Hearing on the Nomination of John G. Roberts, Jr. to Be Chief Justice of the United States: Hearing Before the S. Comm. on the Judiciary*, 109th Cong. 218 (2005), <https://www.congress.gov/108/chrsg/shrg89324/CHRG-108shrg89324.htm>. During Justice Roberts' confirmation hearing, Sessions also praised "healthy trends in re-establishing that there's some limit to the reach of the commerce clause," raising additional concerns about his views on the scope of Congress's authority to enact civil rights legislation. *Id.*

<sup>8</sup> 158 Cong. Rec. S7379 (daily ed. Dec. 4, 2012).

<sup>9</sup> 155 Cong. Rec. S10,669 (daily ed. Oct. 22, 2009).

attack of a man with a mental disability in Chicago demonstrates,<sup>10</sup> people with disabilities often face devastating violence, perpetrated upon them because they have a disability. Senator Sessions' opposition to protections from such violence is disturbing.

Senator Sessions' record could not be clearer, and supports our fears that, if confirmed as Attorney General, he would set back the Department's progress in protecting the rights of individuals with disabilities. Thus, we urge you to vote against his confirmation as Attorney General.

Sincerely,

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<sup>10</sup> See Mark Berman & Derek Hawkins, *Hate Crime Charges Filed After "Reprehensible" Video Shows Attack on Mentally Ill Man in Chicago*, Wash. Post (Jan. 5, 2017), [https://www.washingtonpost.com/news/morning-mix/wp/2017/01/05/4-in-custody-after-group-beats-disabled-man-on-facebook-live-while-shouting-anti-trump-profanities-chicago-police-say/?utm\\_term=.2cf7d459c37b](https://www.washingtonpost.com/news/morning-mix/wp/2017/01/05/4-in-custody-after-group-beats-disabled-man-on-facebook-live-while-shouting-anti-trump-profanities-chicago-police-say/?utm_term=.2cf7d459c37b).