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*On behalf of the Union for Reform Judaism, whose over 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis, which represents over 2,000 Reform rabbis, we submit these questions regarding the nomination of Jeffrey Beauregard Sessions III as Attorney General. We urge Committee Members to make use of them during the nomination hearing.*

*The Reform Movement is the largest denomination in American Jewish life and we are steadfastly committed to justice and equal protection for all people, regardless of race, religion, class, gender identity, sexual orientation or national origin. This commitment stems from our tradition, which emphasizes the truth that all people are created in the divine image and commands us to “love your neighbor as yourself” (Leviticus 19:18).*

*Since the Religious Action Center’s founding in Washington, D.C. more than five decades ago, a commitment to civil rights has been at the center of our work. Groundbreaking legislation such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965 were partially drafted at the Religious Action Center, even as Reform Jewish leaders were participating in marches and sit-ins throughout the country for racial justice. To this day, civil rights sits at the core of our work. In the summer of 2015, 200 Reform rabbis carried a Torah alongside NAACP activists from Selma, AL to Washington, D.C. as part of America’s Journey for Justice, a 1000-mile march for voting rights, criminal justice reform and equal opportunity. On the local, state and federal level, we advocate for policies that advance racial justice by reforming our broken criminal justice system and protecting the right to vote for all Americans. The mandate of the Attorney General and Department of Justice is central to all of this work.*

*The Reform Movement’s commitment to social justice issues also includes a deep and profound commitment to equality and reproductive rights for women, an immigration system that is just, secure and compassionate, economic justice, equality for LGBTQ people and robust religious freedom and church-state separation. We are animated by the teaching from the prophet Amos, “let justice roll down like water, and righteousness like a mighty stream” (Amos 5:24).*

## **Voting Rights**

1. After the Supreme Court’s 2013 decision in *Shelby v. Holder* invalidated Section 4(b) of the Voting Rights Act, many states proceeded to change election laws in ways that have been shown to have a discriminatory impact on racial minorities, poor voters, elderly voters and young voters. Lack of a preclearance formula has left Section 2 litigation as the only viable option for challenging voting restrictions, costing taxpayers money and sowing confusion among voters who need to keep up with rapidly changing laws. If Congress were to update Section 4(b) of the Voting Rights Act in a manner that satisfied the criteria set out in the *Shelby* ruling, how vigorously would a Justice Department under your leadership enforce preclearance? What is your view on the best way to ensure that all eligible voters can cast a ballot, regardless of race,



*The Religious Action Center pursues social justice and religious liberty by mobilizing the Reform Jewish community and serving as its advocate in Washington, D.C. The Center is led by the Commission on Social Action of the Central Conference of American Rabbis and the Union for Reform Judaism (and its affiliates) and is supported by the congregations of the Union.*



religion, class, gender or political affiliation?

2. Research has shown that rates of voter turnout were lower in states where experts have concluded that electoral integrity is lacking.<sup>1</sup> The Department of Justice has long played a crucial role in ensuring the integrity of elections, utilizing its authority under the Voting Rights Act to send trained observers to polling places to confirm that eligible voters can cast their ballots. In 2012, the Civil Rights Division sent over 780 observers to polling places around the country. In 2016, only about 500 observers were sent. What role would federal election observers play in a Justice Department under your leadership? How would you work towards greater election integrity and higher voter turnout?

### **Civil Rights and Criminal Justice Reform**

3. The Department of Justice's Civil Rights Division has played a key role enforcing laws protecting individuals from discrimination based on race, sex, disability, national origin, religion and other statuses. Civil servants in the Division write and manage regulations and pursue litigation in order to enforce laws ranging from the Civil Rights Act and the National Voter Registration Act to the Religious Land Use and Institutionalized Persons Act and Shepard-Byrd Hate Crimes Prevention Act. From 2009-2012, robust investment in the Civil Rights Division's capacity resulted in 141 hate crime convictions, 194 human trafficking cases, a \$16 million settlement in an Americans with Disabilities Act case and several other notable achievements in the name of ensuring equal opportunity. How do you intend to ensure that the Civil Rights Division has the resources it needs to effectively fulfill its mandate to enforce civil rights law?
4. In 2009, you voted against the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. Can you explain the rationale for your vote at that time? As Attorney General, do you intend to prosecute hate crimes to the full extent of your office's power?
5. Over the past couple of years, protests throughout the United States have brought increased attention to the continuing challenge posed by racial bias in policing. The work of law enforcement is difficult, dangerous and the majority of police seek to do their work in a just and effective manner. Yet the nation is experiencing a disturbing pattern of police officers fatally shooting unarmed black men. This contributes to a massive national challenge: nearly a quarter of black people have no confidence whatsoever in their local police department.<sup>2</sup> The Department of Justice can use its power to investigate police departments, which in some cases may result in a court-imposed "consent decree." Consent decrees can mandate policies in police departments that aim to change patterns of bias and increase community trust. In a 2008 report, you called consent decrees "dangerous" and an "end run around the democratic process."<sup>3</sup> Would these statements reflect the position of a Justice Department under your leadership? How would a Justice

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<sup>1</sup> <https://www.electoralintegrityproject.com/eip-blogs/2016/12/24/why-problems-of-electoral-integrity-damage-us-voter-turnout>

<sup>2</sup> <http://www.pewsocialtrends.org/2016/09/29/the-racial-confidence-gap-in-police-performance/>

<sup>3</sup> <http://www.alabamapolicy.org/wp-content/uploads/API-Research-Consent-Decrees.pdf>

Department under your leadership pursue the six open investigations of police departments and respond to the ongoing crisis in police-community relations?<sup>4</sup>

6. Currently, the Department of Justice's Bureau of Prisons (BOP) is pursuing a robust prison reform initiative.<sup>5</sup> Some reforms include reducing the use of solitary confinement, which is an inhumane practice that has been shown to adversely affect the mental health of inmates; building a school district within the prison system; and developing standardized, evidence-based programs to reduce recidivism. These reforms could make considerable progress towards ensuring that federal inmates can re-enter society once they have served their sentence, reducing the overall likelihood that they reoffend and increasing public safety. What would be the future of the BOP's reform initiative under your leadership?

### **Immigration**

7. The United States is a country of immigrants. According to the 2014 census, only about 2% of our nation's population is descended from indigenous people, making the other 98% either immigrants or descendants of immigrants.<sup>6</sup> Throughout history, the United States has acted as a safe haven for those fleeing persecution and other challenges. This nation has been a beacon of opportunity for those looking to live without fear, and has provided many with the opportunities to create a better life for themselves and their families. As Attorney General, how will you honor our nation's history of hospitality and inclusion? How will you direct the Department of Justice to interpret our nation's laws in ways that match enforcement with compassion and understanding for the unique situation of every immigrant?

### **LGBTQ Equality**

8. Over the past decade, LGBTQ equality has expanded across the United States, including the 2015 landmark decision in *Obergefell v. Hodges*, establishing marriage equality as the law of the land. The reality remains, however, that LGBTQ people can still legally be fired from their jobs, denied housing, refused service at a hotel, restaurant or movie theater, amongst many other forms of discrimination. You have previously voted against measures to extend rights and protections to LGBTQ people, including the legislation to end the military's policy of "Don't Ask, Don't Tell," and the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act. How as Attorney General will you direct the Department of Justice to address the discrimination that LGBTQ people face every day? How broadly do you interpret existing laws to extend rights and protections to LGBTQ Americans? What legislative remedies would you support to address this lasting, pernicious discrimination?
9. In May 2016, the Civil Rights Division, in concert with the Department of Education, released guidelines on Title IX of the Education Amendments Act of 1972 to provide instruction for all schools receiving federal dollars to create an environment where no student, including

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<sup>4</sup> <https://www.justice.gov/opa/file/922461/download>

<sup>5</sup> <https://www.justice.gov/prison-reform>

<sup>6</sup> <http://www.census.gov/newsroom/facts-for-features/2015/cb15-ff22.html>

transgender and gender-nonconforming students, faces discrimination based on sex. The reality is that transgender and gender nonconforming individuals are significantly more likely to experience discrimination, harassment and even physical violence in schools and elsewhere. As of August 2016, this guidance was stayed in the Fifth Circuit. How would you direct the Justice Department to pursue this court case?

### **Religious Freedom**

10. The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a landmark law aimed at protecting fundamental religious practices and rights. A report from the Department of Justice in July 2016 notes that there has been a significant increase in RLUIPA cases regarding zoning and land use for mosques and Islamic centers.<sup>7</sup> You have supported President-elect Trump's proposed "Muslim ban."<sup>8</sup> Would you direct the Department of Justice to continue to pursue RLUIPA cases as they arise, regardless of the faith of the house of worship seeking a zoning or land use permit?
11. In 2015, the Supreme Court ruled in *Holt v. Hobbs* in favor of a Muslim inmate who wanted to grow a quarter-inch beard, even though beards for religious practice were not permitted. Do you agree with the Supreme Court's decision to protect this religious practice? How would you direct the Justice Department to address RLUIPA cases related to institutionalized persons of minority faiths?
12. The Religious Freedom Restoration Act (RFRA) was adopted in 1993 to restore the compelling interest test for religious freedom after the *Employment Division, Department of Human Services of Oregon v. Smith* decision. Recently, RFRA has been increasingly used a sword to remove people of their rights, rather than a shield to protect basic religious practices and observances. Do you believe that RFRA ought to be interpreted such that religious freedom can always outweigh civil rights concerns?

### **Violence Against Women**

13. The 1994 Violence Against Women Act (VAWA) comprehensively addresses violence against women by improving the criminal justice response and providing essential resources for victims and their families. The Office on Violence Against Women (OVW) of the Department of Justice was created out of VAWA, and focuses on dating violence, domestic violence, sexual violence and stalking. How would you oversee the development of OVW discretionary grants that strengthen victim services and hold offenders accountable? Do you plan to continue aggressively implementing VAWA? Will you be proactive in addressing issues of violence against women that arise in our nation?

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<sup>7</sup> <https://www.justice.gov/crt/file/877931/download>

<sup>8</sup> <http://www.cnn.com/2016/06/19/politics/jeff-sessions-donald-trump-muslim-ban/>