



January 30, 2017

Dear Senator,

On behalf of Common Cause's more than 700,000 members across the United States, we call on you to delay tomorrow's Senate Judiciary Committee executive business meeting vote on the consideration of Senator Jeff Sessions' nomination for U.S. Attorney General. All Americans deserve to know what involvement, if any, Senator Sessions had in drafting President Trump's January 28, 2017, executive order on immigration before the Senate proceeds with Senator Sessions' nomination for attorney general. To that end, we call for an additional hearing so that the Judiciary Committee may further question Senator Sessions on his involvement, if any, in drafting the order and on how or whether he would implement it. Senator Sessions must assure the Senate and the public that he and the Trump Administration will not see themselves as above the law, or his nomination must be rejected by the Senate.

As then-candidate Trump's first Senate endorser and a close advisor to his campaign, Senator Sessions would have been in a key position to help craft language for an immigration executive order. The attorney general would be in a position to make critical decisions about this executive order, which has been stayed by several courts on grounds that at least parts are unconstitutional or violate federal law. The attorney general is required to comply with the court rulings against this executive order, despite reports of several government officials not following court rulings. Moreover, the Attorney General, as chief law enforcement officer, represents the United States in legal matters and advises both the president and heads of executive departments upon request. Senator Sessions must prove to the American people - and the Senate, which provides "advice and consent" on his nomination - that, as attorney general, he would uphold the rule of law and serve as a check on executive branch power, not do the bidding of the Trump administration.

As both Senators Graham and McCain noted in a joint statement yesterday, "[i]t is clear from the confusion at our airports across the nation that President Trump's executive order was not properly vetted. We are particularly concerned by reports that this order went into effect with little to no consultation with the Departments of State, Defense, Justice, and Homeland Security." If Senator Sessions indeed had a hand in drafting this order, the Judiciary Committee must know about it before holding a vote.

Before his nomination proceeds, Senator Sessions must publicly state his views on this executive order, as well as any involvement he had in drafting its language. Therefore, Common Cause urges you to delay voting on Senator Sessions' nomination for attorney general until he publicly answers these critical questions.

Sincerely,

Karen Hobert Flynn

President

Common Cause

cc: All U.S. Senators