



**DEPARTMENT OF THE ATTORNEY GENERAL**

**DAVID Y. IGE**  
GOVERNOR

**DOUGLAS S. CHIN**  
ATTORNEY GENERAL

For Immediate Release  
January 20, 2017

News Release 2017-6

**ATTORNEY GENERAL DOUG CHIN VOICES OPPOSITION  
TO TWO PRESIDENTIAL NOMINATIONS**

HONOLULU – Attorney General Doug Chin has joined five other state Attorneys General opposing the nomination of Senator Jeff Sessions for United States Attorney General and has joined eight other state Attorneys General opposing the nomination of Oklahoma Attorney General Scott Pruitt to become Administrator of the United States Environmental Protection Agency (EPA).

The letter opposing Senator Sessions' nomination to lead the United States Department of Justice notes, "The Justice Department seal reads '*Qui Pro Domina Justitia Sequitur*': 'Who prosecutes on behalf of justice.' As state attorneys general—the chief law officers of our respective states—we regularly work with the U.S. Department of Justice. Senator Sessions has stood for policies antithetical to this core mission of the Justice Department. For these reasons, we believe him to be unqualified for the role of United States Attorney General. We join the thousands of individuals and organizations that have voiced their opposition to Senator Sessions' appointment and respectfully urge you to reject his nomination."

The letter cites Senator Sessions' refusal to protect racial minorities and vulnerable populations and his rejection of bipartisan criminal justice reforms.

The letter opposing Attorney General Pruitt's nomination to head the EPA says in part, "As the Attorney General of Oklahoma, Mr. Pruitt made it a priority to attack the rules—promulgated by EPA to implement Congressional mandates—that EPA is charged with enforcing. This is not just a matter of policy difference; Mr. Pruitt has sought to tear apart the very notion of cooperative federalism that forms the foundation of our federal environmental laws. That cooperation makes it possible for states and the federal government, working together, to protect the health of the American people and the resources on which we depend."

The letter cites Attorney General Pruitt's multiple lawsuits seeking to block the EPA from fulfilling its mandates under the Clean Air Act as well as his continued questioning of human impacts on climate change.

The letter opposing Senator Sessions was also signed by New York Attorney General Eric Schneiderman, Maryland Attorney General Brian Frosh, Oregon Attorney General Ellen Rosenblum, Massachusetts Attorney General Maura Healey, and District of Columbia Attorney General Karl Racine. The letter opposing Attorney General Pruitt's nomination was also signed by Massachusetts Attorney General Maura Healey, New York Attorney General Eric Schneiderman, Delaware Attorney General Matthew Denn, District of Columbia Attorney General Karl Racine, Maryland Attorney General Brian Frosh, Oregon Attorney General Ellen Rosenblum, Rhode Island Attorney General Peter Kilmartin, and Vermont Attorney General Thomas Donovan, Jr.

The letter opposing Senator Sessions' nomination was sent to Senate Judiciary Committee Chairman Chuck Grassley and Ranking Member Dianne Feinstein. The letter opposing Attorney General Pruitt's nomination was sent to Senate Committee on Environment and Public Works Chairman John Barrasso and Ranking Member Tom Carper.

Copies of both letters are attached to this release.

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January 17, 2017

The Honorable Charles E. Grassley  
The Honorable Dianne G. Feinstein  
United States Senate Committee on the Judiciary  
Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein:

We, the undersigned state Attorneys General, appreciate that this committee is vetting the appointment of the United States Attorney General with care and consideration. We write to urge you to reject the nomination of Senator Jefferson Beauregard Sessions III for this position.

As the Attorneys General and chief law officers of our respective states, we have a unique perspective and appreciation for the broad authority and prosecutorial discretion vested in the Attorney General of the United States. This lawyer wields enormous power and influence in our justice system. In exercising this power, the Attorney General makes critical decisions every day about how, and indeed whether, to enforce the nation's laws. It is imperative that the Justice Department be led by an individual on whom our nation can rely to diligently and fairly enforce all laws protective of civil rights, public safety, health and welfare.

While Senator Sessions is familiar with the broad power and discretion that comes with this job, having served as a state Attorney General and a United States Attorney, his record in these positions causes us grave concern. His testimony before your committee did little to assure us of his fitness to serve as Attorney General.

Our purpose in writing this letter is to bring our perspective to the nominee's past practices and present positions that we believe disqualify him from being appointed the highest-ranking law enforcement officer in the country. There are, in addition, many policy areas in which we disagree with Senator Sessions, but we have chosen to focus on those issues that we find to be truly disqualifying.

***Senator Sessions has refused to protect racial minorities or vulnerable populations.***

Senator Sessions has evidenced bigotry in statements he has made in the past. These statements speak of a man who has repeatedly chosen to use the power and discretion of his offices to undermine the cornerstone American principle of equal rights under law.

In 1986, after a lengthy hearing, this committee averted Senator Sessions' appointment to the federal judiciary after it came to light that he made several racially biased and intolerant statements. Among the disqualifying statements, while serving as United States Attorney for the Southern District of Alabama, Senator Sessions described the NAACP as "un-American," called an African American Assistant U.S. Attorney "boy," labeled a white civil rights lawyer a "disgrace to his race," dubbed the Voting Rights Act "a piece of intrusive legislation," and remarked that the Ku Klux Klan was "ok" (until he learned members used marijuana).<sup>i</sup>

These statements are emblematic of a man who, while serving as United States Attorney, used his prosecutorial discretion to pursue voter fraud charges against three prominent African American activists whose efforts promoted voter engagement in Alabama's rural Black Belt. Senator Sessions' unjust and unwise decision led an Alabama court to dismiss 50 of the charges for lack of evidence and an Alabama jury to acquit on those that remained.

The statements are consistent with Senator Sessions' use of his brief time as Attorney General of Alabama to scuttle a previously agreed-upon Voting Rights Act settlement that would have resulted in greater diversity in the Alabama appellate courts.<sup>ii</sup> Thanks in part to his actions, today all 19 appellate court judges in Alabama are white.<sup>iii</sup>

Finally, these statements are also in keeping with his recent vehement opposition to the enactment of federal hate crime protections for victims targeted due to their sexual orientations, disability, gender or gender identity. For years, Senator Sessions questioned whether such protections were necessary, despite evidence that members of the LGBTQ community are more likely to be targets of hate crimes than any other group. Though he now commits to enforcing this law—which requires the Attorney General to approve all criminal prosecutions—his years of staunch opposition call this commitment into serious question.

It is also against this backdrop that we must judge his recent claims to your committee that he is proud of federal voting rights and school desegregation cases that he litigated "personally" during his time as U.S. Attorney. He proffers these cases as a response to the concerns raised by his previous statements and actions. In fact, the attorneys who actually litigated these cases worked for "Main Justice"—the Department's headquarters in Washington, D.C.—not the Alabama U.S. Attorney's Office. These lawyers have said Senator Sessions can claim no ownership of the cases and, moreover, that he "worked against civil rights at every turn."<sup>iv</sup>

***Senator Sessions has rejected sensible, criminal justice policy reforms that enjoy broad bi-partisan support.***

Following incontrovertible evidence over the past decade, a broad bipartisan consensus has emerged that America’s failed experiment with mass incarceration has been expensive, unjust, and ineffective. Simply put, severely punishing low level offenders has been shown to do nothing to reduce crime. It also increases recidivism, and costs the taxpayer dearly.

For these reasons, members of Congress and a diverse array of groups across the ideological spectrum—including the National District Attorneys Association, Right on Crime, the NAACP, and even the Koch brothers—have sought to eliminate sentencing policies that lack evidentiary support. Senator Sessions strongly opposed these reforms, which were codified in the Sentencing Reform and Corrections Act. In doing so, he made statements that were intended to instill fear, such as that the reforms would release “violent felons” and were “dangerous for America.”<sup>v</sup> This return to the politics of fear over fact is best summed up by Senator John Cornyn, who said that Senator Sessions’ statements were “just not true.”<sup>vi</sup>

We are concerned that a Sessions’ Department of Justice will instruct federal prosecutors to seek the highest available sentences and advance failed, draconian policies, while ignoring the empirical evidence that sentencing reform will lead to safer, stronger communities.

***Senator Sessions did not manage well an office much smaller than the United States Department of Justice.***

How Senator Sessions managed his past offices provides a cautionary tale for how he would run the Justice Department. During his brief tenure as Alabama Attorney General, the office was severely reprimanded by the Alabama Circuit Court in *State of Alabama v. Tieco*. The court found that the Alabama Attorney General’s Office failed to turn over exculpatory evidence, disregarded court discovery orders, used deceptive testimony, and lied to the court, leading the presiding judge to find that the “misconduct of the Attorney General in this case far surpasses in both extensiveness and measure the totality of any prosecutorial misconduct ever previously presented to or witnessed by this court.”<sup>vii</sup> Senator Sessions’ management record raises serious questions about his capacity to command the 100,000 employees of the Department of Justice.

***We urge the Judiciary Committee to reject Senator Sessions’ nomination.***

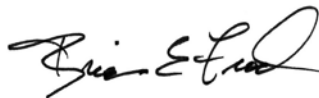
The Justice Department seal reads “*Qui Pro Domina Justitia Sequitur*”: “Who prosecutes on behalf of justice.” As state attorneys general—the chief law officers of our respective states—we regularly work with the U.S. Department of Justice. Senator Sessions has stood for policies antithetical to this core mission of the Justice Department. Though he sought in his testimony before your committee to repudiate some of his controversial past positions, it is nevertheless clear to us that Senator Sessions continues to be the person reflected in the positions, statements and conduct set forth above. For these

reasons, we believe him to be unqualified for the role of United States Attorney General. We join the thousands of individuals and organizations that have voiced their opposition to Senator Sessions' appointment and respectfully urge you to reject his nomination.

Sincerely,



Eric T. Schneiderman  
New York Attorney General



Brian Frosh  
Maryland Attorney General



Ellen F. Rosenblum  
Oregon Attorney General



Maura Healey  
Massachusetts Attorney General



Karl A. Racine  
District of Columbia Attorney General



Doug Chin  
Hawaii Attorney General

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<sup>i</sup> Matt Apuzzo, *Specter of Race Shadows Jeff Sessions, Potential Trump Nominee for Cabinet*, N.Y. Times, Nov. 16, 2016, [https://www.nytimes.com/2016/11/17/us/politics/specter-of-race-shadows-jeff-sessions-potential-trump-nominee-for-cabinet.html?\\_r=0](https://www.nytimes.com/2016/11/17/us/politics/specter-of-race-shadows-jeff-sessions-potential-trump-nominee-for-cabinet.html?_r=0).

<sup>ii</sup> *White v. State of Ala.*, 74 F.3d 1058 (11th Cir. 1996).

<sup>iii</sup> Kim Chandler, *Black voters sue over Alabama's method of electing judges*, Associated Press, Sep. 7, 2016, <http://bigstory.ap.org/article/85843a38844e474d88b3f6d600fb5d38/black-voters-sue-over-alabamas-method-electing-judges>.

<sup>iv</sup> J. Gerald Hebert, Joseph D. Rich, William Yeomans, *Jeff Sessions says he handled these civil rights cases. He barely touched them*. Washington Post, Jan. 3, 2017, [https://www.washingtonpost.com/amhtml/opinions/jeff-sessions-says-he-handled-these-civil-rights-cases-he-barely-touched-them/2017/01/03/4ddffa6-d0fa-11e6-a783-cd3fa950f2fd\\_story.html](https://www.washingtonpost.com/amhtml/opinions/jeff-sessions-says-he-handled-these-civil-rights-cases-he-barely-touched-them/2017/01/03/4ddffa6-d0fa-11e6-a783-cd3fa950f2fd_story.html).

<sup>v</sup> Jeff Sessions, *The Current Sentencing Reform and Corrections Act is Dangerous for America*, Feb 9, 2016, <https://medium.com/@SenatorSessions/the-current-sentencing-reform-and-corrections-act-is-dangerous-for-america-aa31e8c75083#wqhg4fpi>.

<sup>vi</sup> Mike DeBonis, *Congress is closer than ever to easing sentences for drug offenders*, Washington Post, April 29, 2016, [https://www.washingtonpost.com/news/powerpost/wp/2016/04/29/the-time-for-criminal-justice-reform-might-at-last-be-nigh/?utm\\_term=.23c7fba4eda5](https://www.washingtonpost.com/news/powerpost/wp/2016/04/29/the-time-for-criminal-justice-reform-might-at-last-be-nigh/?utm_term=.23c7fba4eda5).

<sup>vii</sup> *USX Corp. v. Tieco, Inc.*, 189 F.R.D. 674, 679-680 (N.D. Ala. 1999) (quoting *State of Alabama v. TIECO, Inc., et al.*, (Jefferson Cty. Cir. Ct., Nos. CC-96-2961, July 16, 1997)).

**Delaware, District of Columbia, Hawai'i, Maryland,  
Massachusetts, New York, Oregon, Rhode Island, Vermont**

January 17, 2017

The Honorable John Barrasso  
307 Dirksen Senate Office Building  
Washington, District of Columbia 20510

The Honorable Tom Carper  
513 Hart Senate Office Building  
Washington, District of Columbia 20510

Dear Chairman Barrasso and Ranking Member Carper:

The undersigned Attorneys General write to express our strong opposition to the nomination of Scott Pruitt as Administrator of the Environmental Protection Agency (EPA). As the Attorney General of Oklahoma, Mr. Pruitt made it a priority to attack the rules—promulgated by EPA to implement Congressional mandates—that EPA is charged with enforcing. This is not just a matter of policy difference; Mr. Pruitt has sought to tear apart the very notion of cooperative federalism that forms the foundation of our federal environmental laws. That cooperation makes it possible for states and the federal government, working together, to protect the health of the American people and the resources on which we depend.

When the United States Congress enacted our major federal environmental laws, like the Clean Water Act and the Clean Air Act, it recognized that states working alone could not ensure that people would have clean air to breathe and clean water to drink. Congress understood that a strong federal role—led by EPA—is critical to achieving the goals of protecting the environment and the health of all people in every state. And, cooperative federalism avoids the risk that some states might opt not to control pollutants as stringently, or at all, thereby presenting a hazard to other states. Toxic mercury emitted from a power plant in one state reaches the fish in lakes and ponds in another state that are caught and eaten by fishermen and their families. Because pollution does not recognize state borders, the strong partnership between the federal government and the states has been a hallmark of successful efforts in the U.S. to address environmental pollution.

But Mr. Pruitt has sought to turn the clock back, advocating that states should be left to decide for themselves what constitutes clean air and water, no matter the effects on other states. Throughout his tenure as Oklahoma Attorney General, Mr. Pruitt filed multiple lawsuits seeking to block EPA from fulfilling its Congressionally-mandated obligations under the Clean Air Act. For example, he

fought the Mercury and Air Toxics Standards, which have been in effect since 2015, and are delivering about a 75 percent reduction in toxic mercury emissions from power plants. That is a major benefit in light of the fact that, currently, all 50 states have fish consumption advisories in place due to mercury air pollution. Those standards are also achieving reductions of other hazardous pollutants emitted by power plants that harm human health. When EPA rejected Oklahoma's deficient plan to comply with its obligations under the Regional Haze Rule, which reduces power plant air pollution to improve air quality in our national parks and federal wildlife refuges, Mr. Pruitt appealed and lost. The Supreme Court refused to hear his subsequent appeal. He challenged EPA's 2015 rule to reduce ozone pollution, which contributes to serious public health problems like asthma. And, in another case, although the Supreme Court ultimately thwarted the challenge, Mr. Pruitt opposed EPA's Cross State Air Pollution Rule, which protects downwind states from power plant air pollution that crosses state lines.

Mr. Pruitt has also espoused a far-reaching interpretation of state power under the Tenth Amendment, one that would hamstring EPA—and Congress, for that matter—in addressing pollution that crosses state borders. Under that view, a state agency that has a legal role in facilitating a private entity's compliance with an EPA pollution regulation, for example by issuing a permit to site a new facility or allowing rate recovery for installation of pollution controls, is being unconstitutionally “commandeered” by EPA. Such a view is not only legally wrong under Supreme Court precedent; it would undermine our federal environmental laws.

It is also deeply concerning that Mr. Pruitt has steadfastly questioned the science of human-caused climate change. He consistently sought to obstruct efforts to limit the dire threat it presents to the safety and welfare of the American people, our national security interests, as recognized by the Department of Defense, and, increasingly, our economy. Nearly ten years after the Supreme Court, in *Massachusetts v. EPA*, held that the Clean Air Act authorizes EPA to regulate greenhouse gas pollutants, Mr. Pruitt helped lead the charge to further delay and overturn urgently-needed EPA actions to regulate dangerous greenhouse gas pollution under the Act.

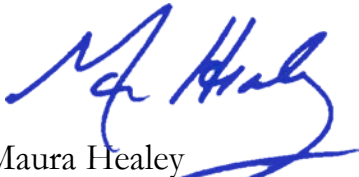
In his efforts to defeat EPA's work to reduce the threat of climate change, Mr. Pruitt continues to be a vocal critic of EPA's Clean Power Plan. That plan is designed to reduce dangerous carbon pollution from power plants, the largest sources of those emissions. EPA's rule harnessed existing industry trends to set an achievable and reasonable standard, but Mr. Pruitt joined a group of states challenging the rule and obtained a stay of its implementation in 2016. He has also sued EPA because it issued regulations limiting methane (a powerful greenhouse gas) pollution from new and modified sources within the oil and gas sector.

Mr. Pruitt's actions demonstrate that he not only rejects, but is openly hostile to, EPA's mission of working with states, and local and tribal governments, to protect human health and the environment across the entire nation. For this reason, he is manifestly unsuited for the role of EPA



Administrator. We are deeply concerned that approval of Mr. Pruitt's appointment would trigger an unprecedented dismantling of the framework that has allowed the United States, for over 40 years, to address pollution impacts that have a high human and economic cost. We urge you to vote against his confirmation.

Sincerely,



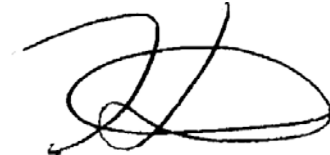
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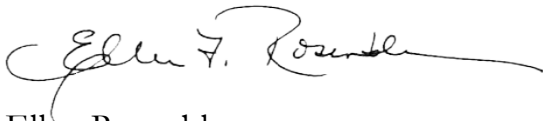
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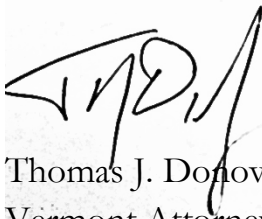
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Peter Kilmartin  
Rhode Island Attorney General



Thomas J. Donovan Jr.  
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