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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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December 14, 2016

The Honorable Dianne Feinstein
Senator
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

I write in response to your December 13, 2016 letter concerning Senator Sessions' nomination to serve as Attorney General of the United States.

As an initial matter, thank you for your letter of Friday, December 9. I appreciate your agreement to follow the precedent that the timeline for holding a hearing begins to run when the nominee returns his or her Questionnaire materials. Senator Sessions produced the remainder of his materials in response to the Questionnaire within minutes of your staff delivering your letter to mine on Friday.

As you know, the Questionnaire calls for nominees to produce a wide range of published writings and public statements. Senator Sessions expeditiously collected the records of his decades in public life to provide the Committee with fulsome responses to the Questionnaire on a timeline similar to past nominees. It is no surprise that Senator Sessions' twenty years of service as our colleague—not to mention his service in the Department of Justice and to the State of Alabama—yielded an extensive record.

Nor is it any surprise that Senator Sessions' production consists almost entirely of writings and speeches that were previously publicly available, including speeches he has delivered on the Senate floor and statements he has made at Committee meetings you and I have both attended. In fact, initial staff review indicates that only a fraction of Senator Sessions' production was not previously available to the public. Unlike previous nominees whose records were largely unknown to the Committee, Senator Sessions is well known to all of us. Far from delaying our review, Senator Sessions' extensive public record—including service known personally to members of this Committee—should aid the determination of his character and qualifications for this high office on a timeline consistent with prior nominations, if not earlier.

Senator Sessions produced comprehensive responses to the Committee Questionnaire—documenting the life of public service we have all witnessed—to aid us in that task. The purpose of our review is to assess the qualifications and character of a man you and I have known and served beside for two decades.

In light of his record and his production to the Committee, your letter claims deficiencies in two categories of Senator Sessions' Questionnaire responses—first, his response concerning his role in various political campaigns, and second, his response supposedly omitting two specific speeches he delivered.

With respect to the first, the question regarding previous political activity is of course designed to ascertain whether and how a nominee has been politically active. There can be no surprise that a sitting United States Senator is politically active. And as you know, for a United States Senator, these activities simply do not necessarily take the form the Questionnaire contemplates.

Regarding the claim that several speeches were not included, of course you also know that we and our colleagues are frequently called upon to speak at a variety of constituent and other events. Senator Sessions explained that he made his best effort to identify and locate copies of such remarks where available. Like prior nominees for the office of Attorney General, he also indicated that there may be other such materials he is unable to identify, locate, or remember. He also provided a list of speeches for which no notes exist—including one of the speeches identified in your letter, which he gave to the Federation for American Immigration Reform in 2007. This approach is consistent with the practice of prior nominees and with the reality you and I know well—that Senators speak regularly to a wide variety of groups, often with no prepared text or notes remaining after an event. Senator Sessions has nevertheless produced hundreds of pages of such remarks, providing plenty of material to aid us in our review of his record and character.

Moreover, as you know, it's not unusual for a nominee to supplement his or her Questionnaire. For example, you will recall Attorney General Eric Holder supplemented his Questionnaire materials several times. In December 2008 alone, Attorney General Holder supplemented his Questionnaire responses with more than two hundred items of information. He provided further supplemental responses before his confirmation hearing in January 2009. Indeed, he even wrote to the Committee in March 2010—more than a year after his confirmation—to identify several litigation matters before the Supreme Court he had not disclosed in his Questionnaire responses. Notwithstanding those supplemental submissions, Attorney General Holder's hearing was held on the timeline this Committee will follow for Senator Sessions.

I agree with you: leadership of the highest quality at the Department of Justice is vital indeed. Senator Sessions has provided this Committee with fulsome responses clearly resulting from a good faith effort to answer the Questionnaire. I look forward to working with you to ensure Senator Sessions receives the full and fair hearing he deserves on January 10 and 11.

Sincerely,


Charles E. Grassley
Chairman, Senate Judiciary Committee