

# US politics: Closed Sessions - On Jefferson Beauregard Sessions III

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Trent Lott must think he's living in a nightmare. More than one week has passed since his segregationist cheerleading at Strom Thurmond's century celebration, and the chorus of anti-Lottism has swelled ever louder. Conservatives in particular can't scream loud enough. William Kristol, editor of *The Weekly Standard*, called Lott's comments "thoughtless" and told CBS's "Early Show" audience on December 12 that "Trent Lott shows such a lack of historical understanding that I think it would be appropriate for him to offer to step down." And conservative pundit Peggy Noonan told Chris Matthews this Sunday, "I am personally tired of being embarrassed by people ... who don't get what the history of race in America is, what integration has meant, what segregation was. I'm tired of being embarrassed by Republicans ... who don't get it."

It's a nice sentiment, and, if conservatives are serious about it, they might want to direct their attention one state to Lott's east, home of Alabama Republican Senator Jefferson Beauregard Sessions III. His record on race arguably rivals that of the gentleman from Mississippi—and yet has elicited not a peep of consternation from the anti-racist right.

**Sessions entered national politics in the mid-'80s** not as a politician but as a judicial nominee. Recommended by a fellow Republican from Alabama, then-Senator Jeremiah Denton, Sessions was Ronald Reagan's choice for the U.S. District Court in Alabama in the early spring of 1986. Reagan had gotten cocky by then, as more than 200 of his uberconservative judicial appointees had been rolled out across the country without serious opposition (this was pre-Robert Bork). That is, until the 39-year-old Sessions came up for review.

Sessions was U.S. Attorney for the Southern District of Alabama. The year before his nomination to federal court, he had unsuccessfully prosecuted three civil rights workers—including Albert Turner, a former aide to Martin Luther King Jr.—on a tenuous case of voter fraud. The three had been working in the "Black Belt" counties of Alabama, which, after years of voting white, had begun to swing toward black candidates as voter registration drives brought in more black voters. Sessions's focus on these counties to the exclusion of others caused an uproar among civil rights leaders, especially after hours of interrogating black absentee voters produced only 14 allegedly tampered ballots out of more than 1.7 million cast in the state in the 1984 election. The activists, known as the Marion Three, were acquitted in four hours and became a *cause célèbre*. Civil rights groups charged that Sessions had been looking for voter fraud in the black community and overlooking the same violations among whites, at least partly to help reelect his friend Senator Denton.

On its own, the case might not have been enough to stain Sessions with the taint of racism, but there was more. Senate Democrats tracked down a career Justice Department employee named J. Gerald Hebert, who testified, albeit reluctantly, that in a conversation between the two men Sessions had labeled the National Association for the Advancement of Colored People (NAACP) and the American Civil Liberties Union (ACLU) "un-American" and "Communist-inspired." Hebert said Sessions had claimed these groups "forced civil rights down the throats of people." In his confirmation hearings, Sessions sealed his own fate by saying such groups *could* be construed as "un-American" when "they involve themselves in promoting un-American positions" in foreign policy. Hebert testified that the

young lawyer tended to “pop off” on such topics regularly, noting that Sessions had called a white civil rights lawyer a “disgrace to his race” for litigating voting rights cases. Sessions acknowledged making many of the statements attributed to him but claimed that most of the time he had been joking, saying he was sometimes “loose with [his] tongue.” He further admitted to calling the Voting Rights Act of 1965 a “piece of intrusive legislation,” a phrase he stood behind even in his confirmation hearings.

It got worse. Another damaging witness—a black former assistant U.S. Attorney in Alabama named Thomas Figures—testified that, during a 1981 murder investigation involving the Ku Klux Klan, Sessions was heard by several colleagues commenting that he “used to think they [the Klan] were OK” until he found out some of them were “pot smokers.” Sessions claimed the comment was clearly said in jest. Figures didn’t see it that way. Sessions, he said, had called him “boy” and, after overhearing him chastise a secretary, warned him to “be careful what you say to white folks.” Figures echoed Hebert’s claims, saying he too had heard Sessions call various civil rights organizations, including the National Council of Churches and the Southern Christian Leadership Conference, “un-American.” Sessions denied the accusations but again admitted to frequently joking in an off-color sort of way. In his defense, he said he was not a racist, pointing out that his children went to integrated schools and that he had shared a hotel room with a black attorney several times.

During his nomination hearings, Sessions was opposed by the NAACP, the Leadership Conference on Civil Rights, People for the American Way, and other civil rights groups. Senator Denton clung peevisly to his favored nominee until the bitter end, calling Sessions a “victim of a political conspiracy.” The Republican-controlled Judiciary Committee finally voted ten to eight against sending Sessions to the Senate floor. The decisive vote was cast by the other senator from Alabama, Democrat Howell Heflin, a former Alabama Supreme Court justice, who said, “[M]y duty to the justice system is greater than any duty to any one individual.”

None of this history stopped Sessions’s political ascension. He was elected attorney general in 1994. Once in office, he was linked with a second instance of investigating absentee ballots and fraud that directly impacted the black community. He was also accused of not investigating the church burnings that swept the state of Alabama the year he became attorney general. But those issues barely made a dent in his 1996 Senate campaign, when Heflin retired and Sessions ran for his seat and won.

Since his election as a senator, Sessions has not done much to make amends for his past racial insensitivity. His voting record in the Senate has earned him consistent “F”s from the NAACP. He supported an ultimately unsuccessful effort to end affirmative action programs in the federal government (a measure so extreme that many conservatives were against it), he opposed hate-crimes laws, and he opposed a motion to investigate the disproportionate number of minorities in juvenile detention centers. Says Hillary Shelton, director of the NAACP’s Washington bureau, “[Sessions’s] voting record is disturbing. ... He has consistently opposed the bread-and-butter civil rights agenda.” But it has been on judicial nominees that Sessions has really made a name for himself. When Sessions grabbed Heflin’s Senate seat in 1996, he also nabbed a spot on the Judiciary Committee. Serving on the committee alongside some of the senators who had dismissed him 16 years earlier, Sessions has become a cheerleader for the Bush administration’s judicial picks, defending such dubious nominees as Charles Pickering, who in 1959 wrote a paper defending Mississippi’s anti-miscegenation law, and Judge Dennis Shedd, who dismissed nearly every fair-employment civil rights case brought before him as a federal district court judge. Sessions called Pickering “a leader for racial harmony” and a “courageous,” “quality individual” who was being used as a “political pawn.” Regarding Shedd, he pooh-poohed the criticism, announcing that the judge “should have been commended for the rulings he has made,” not chastised.

And yet, despite his record as U.S. Attorney, attorney general of Alabama, and senator, Sessions has never received criticism from conservatives or from the leadership of the Republican Party. President Bush even campaigned for him in the last election. It's true, of course, that Sessions isn't in a leadership position, like Lott. But, if conservatives are serious about ending the perception that the GOP tolerates racism, they should look into his record as well. After all, if Noonan and friends are really "tired of being embarrassed" by this kind of racial insensitivity, they can't just start yelling once the news hits the stands.

**Sarah Wildman**

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\* *The New Republic*. December 30, 2002:  
<https://newrepublic.com/article/61363/closed-sessions>

\* Sarah Wildman was an assistant editor at *The New Republic* from 1999 to 2003.