

Sen. Sessions' Senate Judiciary Questionnaire Is Shockingly Incomplete A Full and Fair Process Requires a Far More Thorough Submission

When Senator Sessions submitted his [Senate Judiciary Questionnaire](#) (SJQ) late Friday night, it was immediately obvious that it was not thoroughly completed. In response to Question 13, which instructs nominees to “State chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office,” Senator Sessions did not mention his [failed nomination](#) to the U.S. District Court 30 years ago.

While this is the most conspicuous omission, it is also the most benign, because it is a well-known fact.

What is far more troubling is what is missing from his responses to Question 12 regarding Published Writings and Public Statements. In [Appendix A](#), Senator Sessions is missing nearly half of his published op-eds and two years of press releases. And that’s the most responsive of the three appendices that are publicly available.

In [Appendix D](#), Senator Sessions lists only 134 “Speeches Outside of the United States Senate.” In a public career spanning 35 years, that’s an average of roughly four speeches a year. Also, it’s worth noting that the Judiciary Committee defines “speeches” as “including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions.” Most Senators probably average at least four of these speeches outside the Senate a week, not a year.

In [Appendix E](#), Senator Sessions does not list any print or radio interviews prior to September 2002. Furthermore, he provides only one clip of a print interview and eight clips of radio interviews. It is nearly impossible to understand what “searches of publicly available electronic databases” would have yielded so few results.

It is striking how little information Senator Sessions has provided from his service in high-profile positions as U.S. Attorney for the Southern District of Alabama (1981-1993), Attorney General of Alabama (1995-1997), and even his first term as U.S. Senator (1997-2002). **For these 20 years of public service, he has provided: 10 media interviews, 4 speeches outside the U.S. Senate, 2 op-eds, and an academic article.** He also provides a list of press releases (but none for his dozen years as U.S. Attorney) and a list of dates on which he participated in various Senate Committee markups and business meetings—but it is worth noting that the press releases from his service as Alabama Attorney General and the markup transcripts are not transparently available, for example on the Senate Judiciary Committee website, and do not include even a title or subject.

Entries that are missing from these two decades are likely not as publicly or readily available, and indeed, one of the main purposes of the SJQ is for a nominee to identify and provide responsive materials that he or she would have knowledge of or access to that the public does not. Furthermore, while Senator Sessions’ responses from 2003 to the present are slightly more thorough, as this memo outlines, there are many, many missing items. Based on our initial analysis—just days after the SJQ was submitted—we have noted examples of the information that should have been included.

Why do these omissions matter?

Of course, this is not the first incomplete Senate Judiciary Questionnaire that the Judiciary Committee has received, and it surely will not be the last. In 2010, a prominent conservative advocate [wrote](#) the following:

The relevant issues concerning [his] Senate questionnaire response do not include whether he *strictly* complied with the admittedly onerous demands of the questionnaire. Everyone familiar with the process recognizes that inadvertent omissions are routine. The relevant issues instead are:

1. Did [he] try to hide some of the most controversial aspects of his record from the Senate?
2. Was [he], whatever his motive, so incomplete in his questionnaire response that he can't be said even to have *substantially* complied with his obligation?
3. Does it make any sense to proceed with his hearing until we have answers on issues 1 and 2?

The author's suggestion to "dispel this reasonable suspicion, and to maintain the integrity of the Senate Judiciary Committee's proceedings" was to "conduct a thorough investigation *before [his] confirmation hearing takes place*" (emphasis in original) including a search of the nominee's computer hard drives and access to his e-mail records.

Although this recommendation was not taken seriously, it is worth noting that the nominee's hearing was originally scheduled for March 24, 2010, but Senate Republicans "[employed a seldom-used procedural rule](#)" which pushed the hearing almost a month, to April 16, 2010.

This demonstrates that the Senate Judiciary Committee has experience with incomplete Questionnaires, as well as precedent for delaying a hearing to ensure that the record is complete.

In a more recent example, Attorney General Loretta Lynch's SJQ was dated December 1, 2014, but her hearing was not held until January 28-29, 2015. Even though she had been twice confirmed by the Senate, including just five years before her nomination to become Attorney General, Chairman Chuck Grassley's spokeswoman explained on January 7, 2015—more than a month after her SJQ was submitted—that he was working to obtain all of Lynch's paperwork and "[After that process is complete, he'll look at specific dates.](#)"

With Senator Sessions' nomination, Chairman Grassley scheduled a hearing date mere hours after the SJQ was submitted—clearly not enough time to determine whether the submission was complete.

The Senate Judiciary Committee must delay its hearing and must not bend the rules when considering the nomination of someone who will be entrusted to enforce the nation's laws.

Question 12: Published Writings and Public Statements. Appendix A

- Senator Sessions provided 48 op-eds he has written, including only two prior to 2005. We found 43 more, including one written just last month. A full list is below, and it includes, for example, [numerous op-eds on immigration](#).
- Senator Sessions' SJQ does not include a single press release from his time as U.S. Attorney for the Southern District of Alabama.
- Even Senator Sessions' list of his own press releases is incomplete, omitting all of the nearly 60 issued in 2003 and 2004, including his statement on the [Federal Marriage Amendment](#).
- Senator Sessions even omits two of the three [Weekly Republican](#) Addresses he delivered to the nation.

Question 12: Published Writings and Public Statements. Appendix D

- Over a 35-year career in public life, Senator Sessions has listed only 134 “Speeches Outside of the United States Senate” in his [Appendix D](#). In fact, Senator Sessions includes only eight speeches outside the Senate before 2007 and no speeches since June 16, 2016.
 - In the pre-2007 period, this excludes, for example:
 - [Federalist Society](#) lecture on “Reflections on Judicial Independence” on 10/17/97
 - Press conference with the [Center for Immigration Studies](#) on 6/26/03
 - Press conference with the [Alliance for Marriage](#) on the Federal Marriage Amendment on 9/17/03
 - Speech at the 32nd Annual [Conservative Political Action Conference](#) (CPAC) on 2/18/05
 - Panel for the [Center for Immigration Studies](#) on the “Implications of the Hagel-Martinez Amnesty Bill” on 6/15/06
 - By excluding all speeches since mid-June, Senator Sessions omits, most glaringly, all of his political speeches, including [two speeches](#) at the Republican National Convention and his appearances at Trump rallies in (at least) [Madison, AL](#) (2/28/16); [Austin, TX](#) (8/23/16); [Tampa, FL](#) (8/24/16) [Everett, WA](#) (8/30/16); [Phoenix, AZ](#) (8/31/16); [Bangor, ME](#) (10/15/16); [Portsmouth, NH](#) (10/15/16); [Windham, NH](#) (11/5/16)

- Question 12(d) instructs nominees to “Supply four (4) copies, transcripts, or recordings of all speeches of talks delivered by you.” For two-thirds of the speeches Senator Sessions lists (88 of 134), he does not provide any such copies, even though transcripts or recordings are readily available for many speeches, including:
 - Speech to [Federalist Society National Convention](#) (11/12/2009)
 - [Americans United for Life Gala](#) Welcome Speech (11/2/11)
 - [Federalist Society Welcome Speech](#) (11/10/2011)
 - Keynote Speech to [the 5th Anniversary of the TEA Party](#) (2/27/2014)
 - [CPAC Address/Meet and Greet](#) (2/27/2015)
 - [Faith and Freedom Coalition Speech](#) (6/10/2016)

- Senator Sessions’ SJQ does not fully account for his close relationship with several controversial organizations.
 - For example, his SJQ does not mention the “David Horowitz Freedom Center,” which the Southern Poverty Law Center describes as run by [an anti-Muslim extremist](#). However, Senator Sessions has been a regular speaker, including at the following events:
 - Breakfast Keynote Speaker at its [2008 Restoration Weekend](#) convening on 11/16/08
 - A speaker at its [2010 Restoration Weekend](#) convening on 11/20/10
 - A Keynote Speaker at its [2013 West Coast Retreat](#) on 2/22/13
 - Speaker at its [2014 Restoration Weekend](#) convening on 11/14/14

Senator Sessions received the [Annie Taylor Award](#) from the David Horowitz Freedom Center, and while he lists the award in his SJQ, he obliquely refers to the awarding organization as “Restoration Weekend” (the name of the convening) and not the “David Horowitz Freedom Center” (the name of the awarding organization).

- Senator Sessions’ SJQ also minimizes his ties to the [anti-immigrant](#) Center for Immigration Studies (CIS), excluding at least four events. We have already noted the 6/26/03 [press conference](#) and 6/15/06 [panel](#) with CIS that were not included. Senator Sessions also omitted the following:
 - Press Conference on “[Illegal Immigrant Population Dropping: New Report Finds Significant Decline Since Last Summer](#)” on 7/30/08
 - [Reception speaker](#) before a CIS Seminar in June 2016

- Senator Sessions must have omitted many political speeches during his election for Alabama Attorney General and his election and re-elections for U.S. Senator. He lists only nine speeches to Republican organizations in Alabama and provides talking points for only one.

However, we know, for example, that since 2015, he has spoken at the following events that were not included in his SJQ:

- Republican Women of Coffee County [Luncheon](#), 7/1/15
 - Alabama Republican Party, [2015 ALGOP Summer Luncheon](#)
 - Pike County Republican Women [Reception](#), Summer 2016
- Senator Sessions' SJQ is missing many additional entries. The following are just some examples:
 - Federalist Society panel on "[Fair-weather Federalism](#)," 3/30/07
 - Senator Sessions touts a "[Major Speech at the Heritage Foundation](#)" on his website with pictures, but does not list the speech in his SJQ, 1/24/08
 - Americans United for Life, [speech previewing Kagan hearings](#), 6/28/10
 - Wetumpka Tea Party, [2010 Town Hall](#) and [2011 Town Hall](#), 2/20/10 and 2/24/11
 - Family Research Council, [Speaker at Values Voter Summit](#), 10/7/11
 - Black American Leadership Alliance, [speech at DC March for Jobs](#), 7/15/13
 - Heritage Foundation, [speech on Presidential Authority & Immigration Executive Order](#), 11/21/14
 - Speech accepting the 2015 Keeper of the Flame Award from the [extremist](#) Center for Security Policy (While he lists the award itself in response to Question 8, he does not list his speech, and a [video recording is available here](#)), 10/21/15
 - Senator Sessions' SJQ does not include any press conferences he participated in.
 - As a U.S. Senator, he has held numerous press conferences, including on [voting rights](#), [immigration](#), and [Supreme Court nominees](#).
 - Senator Sessions also provides only press releases when he participated in full press conferences, with recordings available, such as a press conference on the judicial nomination of [Priscilla Owen](#) on 9/5/02 and a teleconference with the Center for Immigration Studies on "[Senate Bill Doubles Annual Flow of Guest Workers](#)" on 6/5/13.
 - Just one example of a missing press conference entry from his service as Alabama Attorney General is his 1996 press conference in which he [announced](#) that he would try to get a court order to stop the Southwest Lesbian, Gay, Bisexual College Conference from meeting at the University of Alabama.

Question 12: Published Writings and Public Statements. Appendix E

Television Interviews

- Senator Sessions only provides two television interviews prior to 2002.
- Senator Sessions states that “No interview transcripts or clips are available” for numerous entries, even though some readily are. For example:
 - “Washington Journal, C-SPAN, 11/13/2003”: [Judicial Nominations](#)
 - “C-SPAN, 4/6/2005”: [Patriot Act Reauthorization](#)
 - “C-SPAN, 5/19/2005” [Senate Debates on Judicial Nominations](#)
 - “C-SPAN, 7/20/2005”: [Supreme Court Nomination Reaction](#)
 - “C-SPAN, 5/25/2006”: [Immigration Reform Legislation](#)
 - “C-SPAN, 2/8/2007”: [Congressional Iraqi Resolutions](#)
 - “Washington Journal. C-SPAN. 6/28/2007”: [Republican Immigration Vote Reaction](#)
 - “Newsmakers, C-SPAN, 5/15/2009”: [Selection of Supreme Court Justices](#)
 - “C-SPAN, 11/19/2009”: [Seantor Jeff Sessions on Terrorist Trials](#)
 - “Topline, ABC, 8/4/2010”: [Republicans Eye Change to Birthright Citizenship](#) (Senator Sessions is quoted in the article)
 - “CBS, 8/5/2010”: [Prop 8 and Elena Kagan](#)
 - “Meet the Press, MSNBC, 6/15/2016”: [Some Republicans Distancing from Trump After Orlando](#)
- Senator Sessions’ SJQ is missing at least one fairly recent television interview, with WKRG on [Gay Marriage](#), 6/29/15.

Radio Interviews

- Senator Sessions does not provide any radio interviews prior to September 2002.
- Senator Sessions provides only 8 radio clips, and for every other entry, he states that “No interview transcripts or clips are available,” even though some readily are. For example:
 - “Lars Larson, 4/10/2014”: [Feet 2 the Fire Day 2 – Jeff Sessions](#)
 - “Matt Murphy Show, WAPI, 6/25/2015”: [Sessions on Confederate Flag Flap: ‘It Is Not Appropriate for Us to Erase History’](#)
 - “Steve Bannon, Breitbart Radio, 12/10/2015”: [Sen. Jeff Sessions responds to Donald Trump’s plan to temporarily ban Muslim immigration](#)

- Senator Sessions' SJQ is missing numerous radio interviews—including those with clips. Here are just a few examples:
 - Lars Larson, 2/7/13: [Alabama Senator Jeff Sessions on immigration: There is a problem](#)
 - Lars Larson, 3/29/13: Senator Jeff Sessions: [Now is the time to act against secret immigration bill](#)
 - Mark Levin, [4/1/13](#)
 - Lars Larson, 7/30/14: [Senator Jeff Sessions wants to fix the problems at the border](#)
 - Lars Larson, 4/16/15: [Senator Jeff Sessions, Live from Capitol Hill at Feet to the Fire](#)
 - Breitbart News Sunday, [6/12/16](#)
 - Joyce Kaufman Show, [6/22/16](#)
 - Rose Unplugged, [10/25/16](#)

Print Interviews

- Senator Sessions does not provide any print interviews prior to September 2002.
- Senator Sessions provides only 2 print interviews in 2015 and 11 in 2016. Here are just a few examples of print interviews since 2015 that are missing and could have been provided:
 - [Congress Approves One-Week Pact to Fund Homeland Security, but Immigration Fight Lingers](#), The Daily Signal, 2/27/15
 - [Jeff Sessions: Help Low-Wage Workers by Controlling Immigration](#), Breitbart, 4/17/15
 - [Sessions explains 'no' vote on anti-torture amendment](#), AL.com, 6/22/15
 - [The GOP Reach-Around on Gay Marriage](#), The Daily Beast, 7/20/15
 - [Some Republicans Think Donald Trump Can Win the Black Vote](#), BuzzFeed, 2/15/16
 - [Exclusive—Sessions Sounds the Alarm: GOP May Cave on Gun Rights](#), Breitbart, 6/16/16
 - [‘I certainly think it’s alright’: Republicans react to Peter Thiel saying he’s ‘proud to be gay’ at the RNC](#), Business Insider, 7/23/16
 - [Exclusive—Sessions on U.S. Failure to Implement Visa Tracking System 15 Years after 9/11: ‘Choice’ Is ‘Crystal Clear’ Between Trump, Clinton](#), Breitbart, 9/12/16
 - [Jeff Sessions: Behavior Described by Trump in ‘Grab Them by the P---y’ Tape Isn’t Sexual Assault](#), Weekly Standard, 10/10/16

- Senator Sessions provides only one clip of a print interview, and for every other entry, he states that “No interview transcripts or clips are available.”

This list he has provided—with the outlet and date of the interview (and occasionally the name of the reporter)—is virtually meaningless without a corresponding clip. For example:

- Instead of “American Spectator, 6/5/2013, No interview transcripts or clips are available,” Senator Sessions could have provided the clip as reported in the American Spectator article [Jeff Sessions’ Conservative Populism](#), on 6/14/13.
- Instead of “American Thinker, 6/17/2016, No interview transcripts or clips are available,” Senator Sessions could have provided the clip as reported in the American Thinker article, [Sen. Jeff Sessions: Trump Is Right on Muslim Immigration Ban](#), on 6/22/16

Question 8: Honors and Awards

- Senator Sessions omitted his Franklin Society Award in 2007 from the [Federation for American Immigration Reform](#) (FAIR). The Southern Poverty Law Center designated FAIR as a [hate group](#) that very same year, and the Anti-Defamation League also has written a [report](#) on FAIR. While Senator Sessions does list a Keynote Speech to FAIR on 9/29/07 in Appendix D, there is no mention of this award in his SJQ.
- Senator Sessions claims to have received the Club for Growth Defender of Economic Freedom Award in 2006, although it is not clear how this is possible. His score in 2006 was [79](#), and prior to 2010, these Awards were given to those who had [a score of 90 or higher](#).

Missing Op-Eds Written by Senator Sessions

6/8/98	Washington Times	Failing big on guns
6/16/98	Washington Times	Protecting parents' rights
5/21/00	Birmingham News	Nuclear Energy Needed to Reach Clean Air Goals
10/5/04	Birmingham News	DNA-Testing Bill Too Flawed
1/3/05	USA Today	Bush makes right move
10/23/05	Birmingham News	Recovery must be planned wisely
5/17/06	Washington Times	End border lawlessness; Bush must do more and do it promptly
6/5/06	Washington Post	. . . Or Unfair Burden on Families?
8/2/06	Human Events Online (first published in Washington Times)	Failures of the Pence-Hutchison Plan
1/2/07	Washington Post	Saving America
6/10/08	The Hill	Pro-Boeing Rhetoric on Tanker Doesn't Add Up
7/16/09	Daily Camera	Guest commentary; The importance; of a thorough review
7/21/09	Fort Wayne Journal Gazette	Supreme Court must not show empathy in rulings
7/27/09	USA Today	A confirmation conversion
5/7/10	Washington Post	Americans look for Supreme Court to restrain federal power, not expand it
5/9/10	Birmingham News	Mainstream court pick needed
5/16/11	Roll Call	Belt of Freedom' Seeks Valuable U.S. Support
8/3/11	The Bluffton News- Banner (Indiana)	Big spenders' party neglects budgetary duty; Guest Column
9/18/11	Huntsville Times	Overboard on ozone?
10/6/11	FoxNews.com	Our China Currency Bill Will Defend America's Core Interests
2/17/12	Washington Post	President Obama's gimmicky budget would commit the U.S. to decline
3/28/12	Washington Times	Obamacare not an enumerated power; Congress exceeded its constitutional limits with health care law
5/6/12	Huntsville Times	Myths abound in defense spending
5/22/12	Politico	Treaty would usurp Navy's authority
1/16/13	National Review	Jack Lew's Campaign of Deception
6/10/13	Los Angeles Times	Immigration bill's broken promises

6/24/13	USA Today	Migrants' benefits burden taxpayers
7/10/13	National Review	How GOP Can Turn Immigration Debate on its Head
9/11/13	The Hill	Need to Help Americans Find Jobs, Not Replace Them Using Immigration Policy
6/9/14	Breitbart	Exclusive-Sen. Jeff Sessions: Obama 'Committed to Escalating' Lawlessness at Border
6/19/14	AL.com	Congress Must Stand Up for Victims of Child Abuse and Reauthorize Children's Advocacy Centers
7/3/14	National Review	On Immigration, It's Time to Defend Americans
7/8/14	USA Today	Obama Created Border Crisis
10/29/14	The Albany Herald	Electing David Perdue would foil Obamas immigration plans
11/2/14	FoxNews.com	Senator Sessions: Obama wants immigration amnesty; your vote can stop it
11/10/14	Politico	No Surrender on Immigration
2/10/15	The Hill	Making Trade Fair
5/18/15	Wall Street Journal	Look at Trade Results, Not Ideology
5/20/15	National Review	Why Should Terrorists Be Harder to Investigate than Routine Criminals?
11/16/15	USA Today	Reduce immigration to increase jobs
5/12/16	USA Today	Election offers a simple choice
8/10/16	USA Today	This piling on must stop
11/17/16	Washington Times	Trans-Pacific Partnership a terrible trade deal