

Sessions's Old-Time Contempt for Civil Rights

President-elect Trump's choice of Sen. Jeff Sessions as Attorney General would put a longstanding opponent of civil rights for African-Americans in charge of the Justice Department, reports Dennis J Bernstein.

By Dennis J Bernstein

While much media attention has focused on President-elect Donald Trump's fringe supporters in the "alt-right" and white-nationalist movements, there's been less press alarm about his appointment of Sen. Jeff Sessions to lead the U.S. Justice Department despite the senator's long record of hostility toward civil rights.

Yet the Sessions appointment may have much more ominous implications. As a legal official in Alabama last century, Jefferson Beauregard Sessions III conducted phony voter fraud investigations aimed at African-Americans and denounced leading organizations in the fight against racial segregation, telling aides that he considered the NAACP and the ACLU to be "un-American" and "Communist-inspired." Sessions also is anti-LGBT rights, pro-capital punishment and hostile to abortion rights.

Responding to Trump's nomination of Sessions to be Attorney General, the ACLU said, "as the nation's highest-ranking law enforcement official, the attorney general is charged with protecting the rights of all Americans, yet Sessions has a reported history of making racist comments."

But Sessions's record goes far beyond racially insensitive remarks. In 1996, I traveled through Alabama and Mississippi with fellow journalist Ron Nixon as we investigated a wave of arson against black churches.

President Bill Clinton had said, "It is clear that racial hostility is the driving force behind a number of these incidents." said Clinton. Then-U.S. Assistant Attorney General for Civil Rights, Deval Patrick, launched what he called "the largest federal civil rights investigation that we have had in sometime. This is not a lightly taken investigation."

However, Alabama's Attorney General at the time was Sessions, who was in a close race for the U.S. Senate. Sessions's approach to the burning of some 40 black churches over 18 months from late 1994 into 1996 was to turn the investigation into a joint probe linking the church burnings to an investigation of black voter fraud through alleged misuse of absentee ballots. The connection supposedly was that black voting-rights activists tried to cover up the fraud by

burning down their own churches.

In hearings held at the time by the House Judiciary Committee, one minister told Congress that he had been asked to take a lie-detector test regarding voter fraud. Another testified that the financial records from his church were subpoenaed.

"Why are they harassing members of the church instead of these redneck terrorists who are burning down black churches," asked the Reverend Joseph Lowery, then President of the Southern Christian Leadership Conference (SCLC). "It's hard for me to believe we can find terrorist all over the world with our sophisticated equipment, but we can't find a bunch of amateur terrorists here in America."

Despite the long history of white racists burning down black churches as a means of political intimidation, state and federal investigators found nothing to suggest a racial motivation to the dozens of church burnings. Thomas Figures, a black former Assistant U.S. Attorney who had worked under Sessions before quitting and accusing Sessions of calling him "boy," said it was highly unusual to combine two investigations, the church burnings with the voter-fraud suspicions.

Figures blamed the lack of any positive breakthrough in the church fires on "the recalcitrance and the reluctance and the outright hostility of some Southern law enforcement agencies and officials, like Sessions, toward enforcing civil rights."

But the Clinton administration also appeared hesitant to move too aggressively on such a politically sensitive topic. Barrown Lankster, Alabama's first elected black district attorney, unsuccessfully petitioned the Justice Department to conduct an investigation into the vandalism of three churches in Sumter County and a shooting into the house of a Circuit judge who had ruled against two white youths in a church arson case.

"I even wrote to Attorney General Janet Reno personally asking that these actions be pursued as civil rights violations," Lankster said in a 1996 interview. "The criminal division in Washington told me they were going to make a determination. But after a long wait I was told that they were not inclined to view this as a civil rights violation for prosecutorial purposes."

Sessions for U.S. Senate

At the same time of the church burnings, Sessions was in a close race to become the next U.S. Senator from Alabama to replace retiring Democrat Howell Heflin, who had cast a deciding vote to block Sessions's appointment in the 1980s to be

a federal judge.

A runoff was scheduled and many in the black community felt that Sessions was using the joint voter-fraud-church-burning investigation to get an edge.

“This is simply outrageous,” said then local Southern Christian Leadership Conference head Spiver Gordon in a 1996 interview. Gordon, who had been a target of an earlier Sessions’s probe of supposed black voter fraud, had just received a subpoena to appear before a grand jury.

“This is totally political,” said Gordon, “and it’s just plain wrong to have [Sessions] running for the Senate and then pushing this voter-fraud investigation against the people he knows will oppose him. It’s these kinds of actions that have created the atmosphere for all the attacks on the churches. People feel that they can do anything to us and nothing will be done to them.”

Sessions had employed similar tactics before. In the early 1980s, as U.S. Attorney for the Southern District of Alabama and a protégé of right-wing ideologue, Sen. Jeremiah Denton, Sessions went after Albert Turner, a former aide to Martin Luther King Jr.

Sessions wide-ranging probe against Turner and other voting rights activists came to naught but it hampered what was then a burgeoning voter-rights movement seeking to empower Alabama’s blacks.

Some of the past racial controversies around Sessions – particularly accounts of his racist remarks – have been referenced in mainstream media articles about his nomination to be Attorney General but his comments are generally being treated as old news that has limited relevance today.

But there has been little attention paid to Sessions’s use of his prosecutorial powers to go after black voting rights by alleging voting fraud, which remains a popular issue on the Right and is cited as

justification for voter ID laws and other restrictions that have sought to depress the votes of blacks and other minorities who tend to favor Democrats.

Some of Sessions’s actions recall the worst days of Jim Crow when white Southerners maintained their political dominance by preventing blacks from voting – and when white law enforcement officials looked the other way when their political allies terrorized black leaders.

The Tale of a Black Sheriff

These attitudes emerged in an interview that I did in 1996 with five-time elected Sheriff Prince Arnold, the first African-American sheriff in Wilcox

County, Alabama. Wilcox is a majority black county where Sessions grew up and where the two had tangled over a number of issues, including Arnold's efforts to present evidence of white voter fraud while Sessions was going after black voter fraud.

Prior to the church-burning investigation, Arnold also had provided information to the FBI and to then-U.S. Attorney Sessions that people whom Sessions knew were engaged in a plot to kill Arnold, who said he had obtained a tape of the plotters. Yet, Sessions refused to act.

In my interview with Arnold, he talked about the church burning investigation and the death threat.

Sheriff Prince Arnold: When you destroy the churches, you're destroying the politics in the

black community. You're destroying the soul of the black community. You're doing so much to them when you destroy their churches. That's the only building where all of them have gathered together to build, you know. And, people know that, there are folks who know our history better than we do, much better than we do. Because, a lot of us, when we leave, we forget about our history. But it's a form of intimidation, whoever is doing this, whoever is burning and bombing the black churches needs to be culled and prosecuted. Because it's affecting a whole race of people, that's what it's doing.

Dennis Bernstein: Say a little bit more about your background here in Wilcox county?

SPA: My name is Prince Arnold. I'm the Sheriff of Wilcox County. I'm serving my 5th term as sheriff, going on 18 years. I was... my family, my father and my grandfather was born and raised here in Wilcox County. I received my elementary and high school education here. I graduated from Alabama State University, and I'm just back home. I came back home and ran as sheriff and I've been... I've won five consecutive times. I consider myself a community worker, not just a sheriff. Our communities need so much help and I just go out and do all I can to help in the community.

Selective prosecution was one of the main reasons why I ran for sheriff in 1978. There has always been a double standard here in Wilcox County, in the South, and probably all across this country. People have prioritized what... who they want to prosecute. And when it comes to voter fraud and anything else, it's the same thing. People have always been... if certain folks got killed or murdered there was very little investigation done ... as far as prosecution, it was done on a very lukewarm manner. When it comes to all law enforcement, it's always been a

double standard.

So we try to just have one standard. That's what we've been trying for the last 18 years. Every time we have people like Mr. Sessions and other folks who come in basically because of that same group, who had that double standard years ago... Mr. Sessions was summoned here by that group. Saying that we need to just go back to the old practice, as they would say.

And that's what he did. He came in and selected a couple of people saying, "I'm going to put you all in jail, and show you all how it's supposed to be done." But we're here. I'm the sheriff and I'm not going to let it be done.

Mr. Jeff Sessions, like I did, went to school here. He went to high school here, and he continues to come back here. This is his home. His family is from here. I'm sure he, like I do, I own a couple of acres here. I'm sure he owns property here too. People who he finished high school with are the ones who summoned him back here, people who we see on a daily basis, that hold positions in, I'm sure, in banks, and stores... Jeff Sessions's classmates.

See, and they have continued to communicate with him over the last, like I said, 18 years since he was down there in the southern district of Alabama. And they have tried down through the years, to get him to come back and do these type of things. Sure, it's simple, it's not complicated. That man has personal interest down here. To get it back the way it was, before I got to be sheriff.

DB: And, you say, he has friends, and back to the way it was. The way it was as in pre-civil rights? As in when Klan-types and white supremacists were around. Is that what we're talking about?

SPA: You know your history well. Yeah, you know your history well. No doubt about it. Wilcox County, the 1990 census, I think, we were 69 point something, black, about seventy percent black. They said black folks run during the census time so it might be more than that.

But, until I ran as sheriff, until I ran for the position, blacks didn't hold a single elected position, not a single one. And people bragged about being able to rule the county... it was something like South Africa. And certain people are not going to be satisfied until it gets back to that, to that position, back in that condition.

So, yes sir, we're talking about pre-civil right days. We're talking about where people are afraid to go and vote. We're talking about where people [are] intimidated to the point where they're just afraid to do anything, besides domestic work.

Alabama has always led the country when it came to being backwards, [on] every civil rights thing. And then we're getting ready to send a man to the Senate, that leads the world in being backwards. But we [are] like that. You know, we're normally lagging about 50 years behind here in Alabama. That's what we're doing. Yes, sir.

DB: In regards to intimidation, I understand that you revealed, by virtue of receiving information in the form of a tape and other related documentary evidence, that there was a plot to kill you. Could you describe, give us some information about that?

SPA: I received a tape from another law enforcement agency, a sheriff's office, they called me and says, "Sheriff, we received information there's a death threat on your life." And I've been threatened many times, over the last 18 years. But this particular time I called in the FBI. I called them in, gave them the tape, sitting right where you're sitting now, two agents. And I told them what had happened, it was during the time that Mr. Sessions was the ... prosecutor of that southern district of Alabama, down in Mobile. And I haven't heard anything from those agents as of today.

DB: Over two years?

SPA: Oh, it's been longer than that. Been longer than that. He was down there... it was before President Clinton was elected. ... But I haven't heard anything from these people.

I know, during the time he was down there when the agents moved they moved when he said, "Go and investigate"... whatever. If you understand what I'm saying? Because I've talked to too many of the young people he went to school with then... when I say young... they're my age. And I couldn't get in touch with Mr. Sessions to get him up here. But they could. You understand what I'm saying?

DB: Describe what was on the tape, please.

SPA: Oh basically, it detailed... it talked about...and I know the people who was plotting it. I know the people. Mr. Sessions knows them too, he went to school with them. ... If he heard the tape, if he had any conversations with the agents [he would have known the perpetrators], I'm not saying that he did. I'm just saying that the information was turned over to them while he was down there. That's what I'm saying. They described in detail where I lived, what type of weapon would be used to kill me, where the shooter would be standing, and the type of money it would cost to get it done.

DB: And you provided that tape to the FBI, who investigated for Mr. Sessions, as U.S. Attorney at the time?

SPA: Well, Wilcox County is in the southern district of the state of Alabama. I'm sure any major crime being investigated at some point in time, at some point in time, they give that information to the prosecutor.

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