

July 12, 2017

Jefferson B. Sessions III
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

**Re: Request for Records of the Attorney General's Remarks to the Alliance
Defending Freedom Summit on Religious Liberty**

Dear Attorney General Sessions:

In your opening remarks to the U.S. Senate Committee on the Judiciary on your nomination to be Attorney General of the United States, you assured the committee that you “understand the demands for justice and fairness made by our L.G.B.T. community” and promised to “ensure that the statutes protecting their civil rights and their safety are fully enforced.”¹ You also told the committee that “[t]he attorney general must hold everyone, no matter how powerful, accountable. No one is above the law, and no American will be beneath its protection. No powerful special interest will cower this department.”²

The Southern Poverty Law Center (SPLC) was surprised and troubled to learn, then, that you would give, and did in fact give, remarks at the Alliance Defending Freedom (ADF) Summit on Religious Liberty on July 11, 2017—an event closed to the public and to the press—and that the U.S. Department of Justice, of which you are the head, has refused to comment on those remarks or to make those remarks public.³

ADF “is a legal advocacy and training group that specializes in supporting the recriminalization of homosexuality abroad, ending same-sex marriage, and generally making life as difficult as possible for LGBT communities in the U.S. and internationally.”⁴ The SPLC, a nonprofit civil

¹ *Attorney General Confirmation Hearing, Day 1 Part 1*, C-SPAN (Jan. 10, 2017), <https://www.c-span.org/video/?420932-1/attorney-general-nominee-jeff-sessions-testifies-confirmation-hearing>.

² *Id.*

³ See, e.g., *Attorney General Jeff Sessions to Address Anti-LGBT Hate Group in Closed-Door Event*, SPLC (July 11, 2017), <https://www.splcenter.org/hatewatch/2017/07/11/attorney-general-jeff-sessions-address-anti-lgbt-hate-group-closed-door-event>; Pete Madden & Erin Galloway, *Jeff Sessions Addresses 'Anti-LGBT Hate Group,' but DOJ Won't Release His Remarks*, ABC News (July 12, 2017, 2:28 PM ET), <http://abcnews.go.com/Politics/jeff-sessions-addresses-anti-lgbt-hate-group-doj/story?id=48593488>.

⁴ *Alliance Defending Freedom*, SPLC, <https://www.splcenter.org/fighting-hate/extremist-files/group/alliance-defending-freedom>; see also, e.g., Erik Eckholm, *Legal Alliance Gains Host of Court Victories for Conservative Christian Movement*, N.Y. Times (May 11, 2014), <https://nyti.ms/2vdMNHU>; Paresh Dave, *What's Behind Arizona Plan to Let Businesses Refuse to Serve Gays?*, L.A. Times (Feb. 22, 2014), <http://articles.latimes.com/2014/feb/22/nation/la-na-nn-arizona-gays-sb-1062-20140222>.

rights organization dedicated to fighting hate and bigotry, and to seeking justice for the most vulnerable members of society, designated ADF a hate group in February.⁵

An “informed citizenry” is “vital to the functioning of a democratic society” and “needed to check against corruption and to hold the governors accountable to the governed.”⁶ The Office of the Attorney General (OAG), therefore, regularly makes your speeches available online—save this one.⁷ By failing to make your remarks at the ADF summit available for review by the public, you impede the public’s ability to fulfill its democratic function of holding its chief federal law enforcement officer accountable and ensuring that, in your own words, “[n]o powerful special interest will cower” the Department.

The SPLC requests that you promptly make the entirety of your remarks to the ADF summit readily available on the Department’s website for the public’s review. The SPLC also requests that you officially and publicly reaffirm your commitments to the LGBT community and to a transparent, accountable, and independent Department of Justice and outline in detail how you and the Department will fulfill those commitments. In the spirit of total transparency, and given the unusual circumstances surrounding this particular speech, the SPLC also requests that you make publicly available on the Department’s website all communications between you, OAG, and ADF concerning your invitation to and remarks at the summit.

In the event that you would fail to make all of these records public, the SPLC also asks that the Department’s Office of Information Policy, to which the SPLC has sent a copy of this letter, treat this letter as a request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of the Department, 28 C.F.R. pt. 16.

The SPLC requests that OAG promptly make available to the SPLC in electronic format a transcript or audio or video recording of the Attorney General’s remarks at the ADF Summit on Religious Liberty on July 11, 2017, a copy of the final version of the Attorney General’s prepared remarks for the summit, copies of any drafts of those remarks, and copies of any records of communications—including, but not limited to, letters, emails, documents, notes, voicemails, transcripts, and audio and video recordings—between ADF and anyone at OAG, including the Attorney General, related to the Attorney General’s attendance at the summit and to the substance of the Attorney General’s remarks. If the Department deems any part of this request not reasonably described, I request that I be contacted to clarify this request. To the extent possible, the SPLC requests that responsive records be released to the SPLC as they are found and approved for release, even if other responsive records have not yet been found or approved for release.

If the Department determines that a privilege or FOIA exemption applies to any portion of a record, the SPLC requests that any reasonably segregable portion of that record be provided after

⁵ *Hate Groups Increase for Second Consecutive Year as Trump Electrifies Radical Right*, SPLC (Feb. 15, 2017), <https://www.splcenter.org/news/2017/02/15/hate-groups-increase-second-consecutive-year-trump-electrifies-radical-right>. The SPLC’s criteria for designating hate groups is set forth at <https://www.splcenter.org/hate-map>.

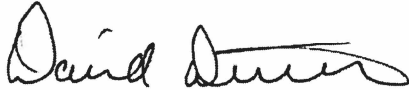
⁶ *N.L.R.B. v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978).

⁷ See *Attorney General News and Speeches*, U.S. Dep’t of Justice, <https://www.justice.gov/ag/attorney-general-news-and-speeches>. As of this writing, your remarks at the ADF summit are not available on the Department’s website.

deletion of the portions that are purportedly exempt. *See* 5 U.S.C. § 552(b). The SPLC also requests that the Department justify, in relative detail, the reasons for denying any portion of this request, including any privilege or FOIA exemption that purportedly applies, such as by a *Vaughn* index. *See* 28 C.F.R. § 16.6(e)(2), (f).

The SPLC trusts that you will follow through on your commitment to hold everyone, including yourself, accountable, and looks forward to reviewing your remarks and communications to ensure that you will lead the Department to protect all Americans.

Respectfully,

A handwritten signature in black ink, appearing to read "David Dinielli", with a stylized, flowing script.

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