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Sessions as AG could mean trouble for tech

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President-elect Donald Trump's decision to tap Sen. [Jeff Sessions](#) as attorney general could spell early trouble for tech giants, given the Alabama Republican's harsh criticism of encryption and high-skilled immigration.

As a senator, Sessions has long taken a hard line against Silicon Valley's efforts to curtail government surveillance, and he's railed for years against tech companies that rely on foreign engineers. His selection as attorney general on Friday could be a sign that the Trump administration may take a tougher approach with the nation's tech industry.

In February, for example, Sessions took a shot at Apple as it resisted a demand by the FBI to unlock a password-protected iPhone tied to the terrorist attack in San Bernardino, Calif. "Coming from a law enforcement background, I believe this is a more serious issue than Tim Cook understands," he told [Bloomberg News](#), referring to the company's CEO.

The tech industry rallied behind Apple, and the FBI ultimately stood down in its court fight, saying it figured out a way to break into the phone on its own. But the encryption debate remains front and center in Washington — and Sessions stands to play a key role in the Trump administration as it formulates policies on encryption and privacy.

"When it comes to privacy and mass surveillance, Sessions has repeatedly been on the wrong side of the Constitution, public opinion and laws passed by a Republican-controlled Congress," said Neema Singh Guliani, a legislative counsel at the ACLU, told POLITICO.

Sessions as AG could be an influential figure as Congress begins to debate whether and how to reauthorize the legal provision that allows the National Security Agency to intercept digital communications. The provision, Section 702 of the Foreign Intelligence Surveillance Act, will expire next year unless lawmakers act.

During the last major surveillance debate in 2015, Sessions warned against anything that could weaken the NSA's spying capability — a stance that put him at odds with Silicon Valley, which sought to scale back digital snooping in the wake of Edward Snowden's leaks. The senator wrote that the USA Freedom Act, which aimed to stop the bulk collection of phone records, "would make it vastly more difficult for the NSA to stop a terrorist than it is to stop a tax cheat. Why make it much harder to investigate terrorists than common criminals?" The legislation ultimately passed, despite his vote against it.

For years, tech giants like Apple, Facebook and Google have also sought to update decades-old rules that allow law enforcement to access digital records, like emails, without a warrant. When the Senate this year considered an update to the Electronic Communications Privacy Act, Sessions was again on the opposite side of Silicon Valley.

In June, Sessions put forward an amendment that would have essentially allowed investigators to obtain a host of online data — from web browsing histories to emails — without a warrant in the cases of an emergency. Privacy groups like the Electronic Frontier Foundation blasted the idea, saying it would “weaken the privacy protections” in the bill. The update never advanced.

"Insofar as one of the functions of the Justice Department is to ensure other law enforcement agencies are themselves obeying the law, it is unsettling that Trump has chosen for attorney general one of the most strident opponents ... of civil liberties safeguards on surveillance authorities or law enforcement generally," said Julian Sanchez, a senior fellow with the libertarian Cato Institute in Washington. Sessions, he said, is "someone who seems to think law enforcement can do no wrong."

And Sessions has also been critical of tech giants in the realm of high-skilled immigration. While tech companies have said they face a shortage of workers in science, tech, engineering and math, or STEM, fields, Sessions has described efforts to boost the number of H-1B visas as a “tremendous threat” to Americans.

“It represents the obliviousness of Congress and some of these economic forces to the reality of what’s happening: Half of STEM graduates are not finding jobs in STEM fields,” he said in a [November 2015 interview](#) with Steve Bannon, the former head of Breitbart News who will be serving as Trump's chief strategist in the White House.

Sessions hasn't been shy about confronting the titans of the tech industry on the issue. In 2014 he [challenged Facebook CEO Mark Zuckerberg](#), a major proponent of immigration reform. After slamming his lobbying effort, FWD.us, the senator charged: "So I would pose a question to Mr. Zuckerberg. I read in the news that Facebook is now worth more than \$200 billion. Is that not enough money to hire American workers for a change?"