

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing on “The State of Civil and Human Rights in the United States”
December 9, 2014**

Dr. Martin Luther King, Jr., said, “The arc of the moral universe is long, but it bends towards justice.” However, the arc does not bend towards justice without effort. We must put in the necessary hard work – as well as build the foundation and structure – for justice to prevail. It has taken the blood, sweat, and tears of many Americans to push for a “more perfect union.” We must not stop now.

There are too many cracks in this foundation, especially in areas such as voting rights, the criminal justice system, and privacy and civil liberties. In the area of voting rights, states continue to pass restrictive voting laws that disenfranchise millions of voters, a disproportionate number of which are minorities. Discriminatory voting laws have become even more common in the wake of last year’s Supreme Court decision dismantling key provisions of the Voting Rights Act.

Our criminal justice system incarcerates too many individuals, especially non-violent drug offenders, because of its reliance on mandatory minimum sentences. And there continues to be distrust between law enforcement and communities of color because of a long history of unfair treatment towards minorities.

On privacy, we have seen that the Federal government can overreach when we do not remain vigilant. We have seen the privacy rights of American citizens violated through the indiscriminate bulk collection of data about their lives without compelling justification. These are just some of the significant problems that continue to test our Nation – and which we have not adequately addressed.

As Chairman of the Judiciary Committee and as a Senator who has served the state of Vermont and this country for nearly 40 years, I will continue to fight to address these problems. I believe in being part of a constructive process to reform our system and address these injustices. That is why I have introduced bipartisan bills this past Congress to help ensure that the moral arc continues to bend towards justice.

In January 2014, on the eve of the weekend celebrating Dr. Martin Luther King’s holiday, I introduced the Voting Rights Amendment Act of 2014 along with Congressmen Jim Sensenbrenner, John Conyers, and John Lewis that would have restored the most fundamental protections of the law. Senator Durbin was an original cosponsor of our legislation. This bill was drafted in response to the Supreme Court’s decision in *Shelby County v. Holder* in which five justices disregarded extensive findings of Congress and gutted the Voting Rights Act. A narrow and conservative majority of the Court struck down the coverage formula and dramatically undercut the Act’s ability to protect Americans from racial discrimination in voting. I have been disappointed that not a single Senate Republican has joined our efforts to restore the voting rights of all Americans, despite mounting evidence that in too many places, racial discrimination in voting persists.

Within weeks of the Supreme Court's ruling, Republican governors and state legislatures exploited the *Shelby County* decision in order to implement sweeping voter suppression laws that disproportionately prevent African Americans from voting. In North Carolina, the Republican legislature and governor passed the most comprehensive voter suppression law in recent memory. That state law resulted in many minorities, students, elderly and lower income individuals being disenfranchised this past election. In Texas, then-Attorney General Greg Abbott pushed to immediately implement the most restrictive voter ID law in the country. A Federal judge found the restrictive Texas voter ID law to be an "unconstitutional poll tax" that could disenfranchise up to 600,000 voters, most of whom would be African Americans and Hispanics. Nevertheless, the Supreme Court allowed the law to be implemented for this past November's election. We *must* act in the new Congress to restore the protections of the Voting Rights Act.

Reforming our nation's sentencing laws must also remain a high priority. The United States has a mass incarceration problem. Between 1970 and 2010, the number of people incarcerated grew by 700 percent. Although the United States has only five percent of the world's population, we incarcerate almost a quarter of its prisoners. This is largely driven by inflexible and unfair mandatory minimum sentences, which disproportionately impact communities of color. Our one-size-fits-all approach to sentencing has been a great mistake, and Congress must fix it. Our Smarter Sentencing Act would allow reductions in certain drug sentences by providing judges more discretion to determine an appropriate sentence. It is time to stop relying on decades-old policy that has been disproven and is simply unjust. The Judiciary Committee approved this legislation on a bipartisan basis this year, and I hope we can work together so that the full Senate can pass this legislation next year.

Right now, Americans are having an important conversation about the loss of human life in communities across the country. A critical piece of this conversation is about the relationship between law enforcement and communities of color. We must reexamine the militarization of our law enforcement because while no one questions that law enforcement must maintain order, equipping police officers with the tools of war does nothing to repair a torn community. I have long worked to improve our civil asset forfeiture program, and I am confident both parties can work to address this in the new year.

The issue of privacy and our civil liberties is also in need of reform. The advancement of our civil rights includes the preservation of our civil liberties. Last summer, Americans learned for the first time that the government is secretly collecting the telephone records of innocent Americans – regardless of whether there is any connection whatsoever to terrorism or criminal activity. In response, I introduced the USA FREEDOM Act to end the indiscriminate bulk collection of our private records and enact much-needed reforms to the government's surveillance authorities. This bipartisan bill was supported by the Intelligence Community, privacy and civil liberties groups of all interests and viewpoints, the high-tech industry, and lawmakers across the political spectrum. I fought to advance the bill last month because it was of critical importance, both to preserve the civil liberties of our citizens but also to protect our national security. Despite its broad support, Senate Republicans would not even allow a debate to begin on our legislation, but I will continue to fight for these reforms in the new Congress.

As the 113th Congress comes to a close, it is essential to have this critical examination of the state of civil rights in this Nation and I thank Senator Durbin for chairing this important hearing. Bending the arc towards justice can oftentimes be very, very difficult. We know from our shared experience that we cannot be the Nation that we strive to be by setting the dial on autopilot and assuming that all will be well. Recently we have seen and experienced setbacks. We must, however, continue the fight by building bridges and proposing solutions. I will continue to do so in my role as a United States Senator and hope that other members of this body will as well.

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