Leadership Conference on Civil Rights

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STATEMENT OF
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"THE LAW OF THE LAND: U.S. IMPLEMENTATION OF HUMAN RIGHTS TREATIES"

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

UNITED STATES SENATE
WEDNESDAY, DECEMBER 16, 2009

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee: I am Wade Henderson, President and CEO of the Leadership Conference on Civil and Human Rights. I am also the Joseph L. Rauh, Jr. Professor of Public Interest Law at the University of the District of Columbia. I appreciate the opportunity to speak before you today on the incorporation of the principles of human rights treaties into our system of law and justice.

The Leadership Conference is the oldest, largest, and most diverse civil and human rights coalition in the United States. Founded in 1950 by Arnold Aronson, A. Philip Randolph, and Roy Wilkins, the Leadership Conference seeks to further the goal of equality under law through legislative advocacy and public education. The Leadership Conference consists of more than 200 national organizations representing persons of color, women, children, organized labor, persons with disabilities, the elderly, gays and lesbians, and major religious groups.

The Leadership Conference is committed to building an America that is as good as its ideals. We strongly believe that civil and human rights should be measured by a single yardstick. Ensuring that we as a nation live up to the provisions of the U.S Constitution and to our international human rights obligations has long been a matter of profound importance both to me, as well as to The Leadership Conference. In 1988, I was part of the civil and human rights coalition's effort to enact the Civil Liberties Act,[1] which helped to remedy the terrible mistreatment of Japanese-Americans during World War II – one of the injustices that spurred the adoption of the Universal Declaration of Human Rights (UDHR). In 1994, I testified before the Committee on Foreign Relations on behalf of the NAACP, to urge the Senate to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). At The Leadership Conference, we have monitored our nation's compliance with CERD, and have submitted "shadow reports" in response to the reports the U.S. government filed in both 2000 and 2007.[2] The Leadership Conference has also joined the Campaign for a New Domestic

[1] Pub. L. 100-383 (Aug. 10, 1988).
[2] *See, e.g.*, Leadership Conference on Civil Rights Education Fund, *American Dream? American Reality! A Report on Race, Ethnicity, and the Law in the United States*, Jan. 2008, available at http://www.civilrights.org/publications/american-dream/. *See also Hearing on the Civil Rights Division of the*

Human Rights Agenda, a 50-member coalition of organizations that is urging the Obama administration to strengthen our nation's own mechanisms for protecting human rights both at home and abroad, including asking President Obama to issue an Executive Order that would strengthen and revitalize the Interagency Working Group on Human Rights.[3]

As a coalition, we understand that human rights instruments like UDHR and CERD are not only a set of universal ethical standards and global norms embodying the aspirations of people all over the world, but also potentially effective tools useful in illuminating and addressing persistent inequities here at home. Indeed, while it may have gone by a slightly different name, our nation's civil rights movement in the 1950s and 1960s was very much at its heart a human rights movement.

The Leadership Conference itself was founded at the dawn of the modern civil and human rights movement, just two years after the adoption of the UDHR and only five years after the Holocaust, a cataclysmic violation of human rights, and the internment of Japanese Americans on U.S. soil. And its leaders – including the founders of The Leadership Conference – were very much inspired and motivated by the principles set forth not only in our nation's founding documents, but by those articulated in UDHR as well. The great Hubert H. Humphrey, Senator, Vice President and the visionary whom we celebrate annually with a dinner in his honor, made the connection between civil rights and human rights in a 1948 speech to the Democratic National Convention. Castigating civil rights opponents for clinging to "the shadow of states' rights," Humphrey told the convention that the time had come "to walk forthrightly into the bright sunshine of human rights."

With that in mind, and as you may have already noticed from the introduction, we have chosen to honor the legacy and the foresight of our founders by fully incorporating the term "human rights" into our name. Beginning in January, as we approach our 60th Anniversary, the Leadership Conference on Civil Rights will become *The Leadership Conference on Civil and Human Rights*. In truth, though, when it comes to "civil rights" and "human rights," there really is not much of a distinction.

Traditionally, international treaties bear a presumption of judicial enforceability in the United States. The Supremacy Clause establishes treaties as judicially enforceable and supreme over state law.[4] While the Supreme Court in *Foster v. Neilson*[5] acknowledged the possibility that

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Department of Justice, House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, 111th Cong. (Dec. 3, 2009) (statement of Eileen R. Larence, on behalf of the U.S. Government Accountability Office), which provides troubling data on the DOJ Civil Rights Division's enforcement efforts in recent years.

[3] *See* Professor Catherine Powell, *Human Rights At Home: A Domestic Policy Blueprint for the New Administration*, Oct. 2008 (available at http://www.acslaw.org/files/C%20Powell%20Blueprint.pdf).

[4] "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding." U.S. CONST. art. VI, cl. 2. *See also* Human Rights Institute at Columbia Law School & Leitner International Law and the Constitution Initiative at Fordham Law School, *Continuing Relevance of International Law in U.S. Legal System*, July 8, 2009 (available upon request).

[5] 27 U.S. 253 (1829).

some treaties would not be judicially enforceable, it also recognized the presumption that treaties will generally be judicially enforceable as domestic law where they address private rights.

Moving more directly to today's subject, I want to thank you for this hearing, and for your efforts in general to step up Congress' oversight and enforcement of our human rights commitments. The fact that this subcommittee did not even exist prior to 2007 points to a troubling fact: Congress simply has not been ensuring that the United States lives up to its human rights treaty obligations – which, as you and others here in this room have pointed out, represent not just mere ideals but the law of the land. Today's hearing represents a turning point, and one that I find very encouraging.

I am also encouraged by the fact that the United States has joined the Human Rights Council at the United Nations, has recently signed the International Convention on the Rights of Persons with Disabilities (CRPD) and will soon present it to the Senate for ratification, and that the Obama administration has listed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as one of its top priorities for ratification. The Leadership Conference is committed to the ratification of the new CRPD and of CEDAW, which is long overdue. We will be leading a major new effort on CEDAW, in particular, where the United States is only one of seven countries that have not ratified the treaty – leaving us in the unlikely company of Iran, Somalia, and Sudan.

We, along with many other organizations, stand ready to collaborate closely with the Senate and the Obama administration to secure ratification of both treaties next year. We are indeed hopeful that this renewed commitment to human rights will lead to greater progress, both domestically and around the globe.

As our nation takes on these new commitments, however, it is critically important that we not lose sight of the ones that we have already made. Over the past half-century, our nation has made tremendous progress in fulfilling the ideals that both our founders and the international community have set out for us. But I would not be doing my job, as a civil and human rights advocate, if I did not point to some areas where there is continued room for improvement. As we reclaim our leadership on the global human rights stage, our shortcomings at home are harmful enough in their own right. But they also undermine our ability to serve as role models to other friendly nations, and as they have in the past, they continue to serve as convenient fodder for opponents of ours who want to divert attention from their own wrongdoing. This point was made forcefully and eloquently by Secretary of State Hillary Clinton in a speech on the Obama Administration's human rights policy delivered recently at Georgetown University.

With that in mind, we would strongly encourage Congress to look at civil and human rights issues, such as the following, through the lens of our international treaty obligations:

<u>Racial Disparities in the Criminal Justice System</u>

One civil and human rights issue that very clearly implicates our international treaty obligations is that of racial disparities in our criminal justice system. In particular, I would point to the disparity in sentencing for the possession of crack and powder cocaine.

Under current law, offenders convicted of possessing five grams of crack cocaine, or the weight of two pennies, receive the same minimum sentence as those caught dealing 500 grams of powder cocaine, which is about a pound. A person convicted of distributing 50 grams of crack, or 1.7 ounces, is subject to a ten-year mandatory minimum sentence, while it takes 5,000 grams, or 11 lbs, of powder cocaine to receive the same sentence. Created by the Anti-Drug Abuse Act of 1986,[6] this 100 to 1 disparity was the result of several flawed assumptions. Congress not only thought that crack cocaine caused users to become more violent than powder cocaine users, but also believed that crack was more addictive as well. As we now know, however, both of those assumptions have been proven false.

Meanwhile, the 100 to 1 disparity has had a disproportionately adverse affect on African Americans. While 80 percent of crack cocaine defendants are black, less than 30 percent of crack users are African-American—over two thirds of crack users are white or Latino. Current cocaine sentencing laws also tend to target low-level offenders rather than the kingpins that the original legislation was intended to nab. In 2006, crack defendants were prosecuted on average for possession of 51 grams of crack—the weight of a candy bar. In fact, more than 60 percent of federal crack cocaine convictions involve low-level activity, while less than two percent of federal crack defendants are high-level suppliers of cocaine. Furthermore, low-level retail sellers and users are punished more severely than wholesale traffickers of the powder form because of the quantity triggers for mandatory minimums for crack.[7]

This sentencing disparity has helped the United States earn the dubious distinction of being home to the largest prison population in the world. According to the Sentencing Project, African Americans now serve virtually as much time in prison for a drug offense (58.7 months) as whites do for a violent offense (61.7 months).[8] Additionally, the American Bar Association, a group that has opposed mandatory minimums since 1995, also found that since the advent of such laws the average length of incarceration has increased threefold.[9] These kinds of disparities and high incarceration rates reinforce the perception among African Americans and other minorities that the criminal justice system itself is illegitimate and undermines the fundamental belief in fairness and equal treatment under the law.

To be sure, the sale of cocaine in whatever form it is sold should be punished, but I think we can all agree that it should not be done in a disproportionately harsh and racially discriminatory manner. The UN Special Rapporteur on Racism, for one, echoed this sentiment when he recommended that "mandatory minimum sentences should be reviewed to assess disproportionate impact on racial or ethnic minorities. In particular, the different minimum sentences for crack and powder cocaine should be reassessed."[10] To that end, I am encouraged

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[6] Pub. L. 99-570 (Oct. 27, 1986).
[7] The Sentencing Project, *Federal Crack Cocaine Sentencing* (Issue Brief), May 2009 (available at http://www.sentencingproject.org/doc/publications/dp_crack_sentencing.pdf).
[8] *Id.*
[9] *Federal Cocaine Sentencing Laws: Reforming the 100:1 Crack Powder Disparity, Hearing before the Senate Judiciary Subcommittee on Crime and Drugs*, 111th Cong. (Apr. 29, 2009) (statement of Thomas M. Susman, on behalf of the American Bar Association, at 6).
[10] United Nations Human Rights Council, *Racism, Racial Discrimination, Xenophobia And Related Forms Of Intolerance, Follow-Up To And Implementation Of The Durban Declaration And Programme Of Action;*

by ongoing efforts[11] to abolish the crack and powder cocaine sentencing disparity in the name of human rights, and I would strongly encourage members of both parties to support them.

Voting Rights in the District of Columbia

As you may know, the struggle for equal justice in the United States is filled with numerous hard-won victories, along with countless setbacks. However, few areas have been as contentious in our turbulent history as the struggle for voting rights, a right that many have protested for, fought for, and died to protect.

For more than 200 years, the residents of our nation's capital have been denied voting representation in Congress. From a civil and human rights perspective, the continued disenfranchisement of nearly 600,000 D.C. residents stands out as one of the most blatant violations of the most important right that citizens in a democracy possess.

Lack of voting rights has real problems inconsistent with our values and human rights standards. Taxation without representation is the first consequence; and second, Congress can unilaterally overturn laws passed by Washington's elected city council, all the actions of its elected mayor, and even all the interpretations of its laws by D.C. judges. Congress must also approve Washington, D.C.'s annual budget, including spending of the residents' own local tax dollars, on such programs as a needle exchange program to combat the AIDS epidemic, which has reached catastrophic levels in the District of Columbia.

The ongoing status of D.C. residents will continue to undermine our nation's moral high ground in promoting democracy and respect for human rights in other parts of the world. Indeed, the international community has taken notice. In December of 2003, for example, a body of the Organization of American States (OAS) declared the United States in violation of provisions of the American Declaration of the Rights and Duties of Man, a statement of human rights principles to which the U.S. subscribed in 1948.[12] In 2005, the Organization for Security and Cooperation in Europe, of which the United States is a member, also weighed in, urging the United States to "adopt such legislation as may be necessary" to provide DC residents with equal voting rights.[13]

Many in Congress have been working to right this longstanding wrong. Legislation to grant District residents voting rights in the House of Representatives passed the Senate in February, and we are still pushing for action in the House.[14] Extending voting rights to DC residents is one of the highest legislative priorities of The Leadership Conference this year, and will remain so every year, until it is achieved. Our nation's credibility depends on it.

Addendum: Mission to the United States of America, April 29, 2009 at 28 (available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.36.Add.3.pdf) .

[11] *See, e.g.*, S. 1789 ("Fair Sentencing Act of 2009"), 111th Cong. (2009) (sponsored by Chairman Durbin); H.R. 3245 ("Fairness in Cocaine Sentencing Act of 2009"), 111th Cong. (2009).

[12] Inter-American Commission on Human Rights, *Statehood Solidarity Committee/United States*, Report No. 98/03, Case 11.204 (Dec. 29, 2003).

[13] OSCE Parliamentary Authority, Washington, *DC Declaration and Resolutions Adopted at the Fourteenth Annual Session*, July 1-5, 2005.

[14] S. 160 ("District of Columbia House Voting Rights Act of 2009"), 111th Cong.

Reform of the U.S. Commission on Civil Rights

For many years, the U.S. Commission on Civil Rights (USCCR) was known as the "conscience of the nation," and it helped make the case for landmark legislation such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. Over time, however, the Commission has been weakened by partisan manipulation to the point that it is ineffective and a hollow shell of its former self.

As presently constituted, it is more of an obstacle than a constructive partner in solving many of our nation's problems. For example, the Commission opposed both the "Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act"[15] and the "Lilly Ledbetter Fair Pay Act."[16] Four years after the devastation of Hurricane Katrina, the Commission has yet to undertake a thorough and credible investigation of the civil and human rights issues left unresolved in the aftermath of the largely man-made disaster that occurred as the storm subsided.

While the USCCR has been derelict in its duty to fully investigate the aftermath of Hurricane Katrina, the international community has certainly been paying attention. In its "Concluding Observations" filed in response to the United States' 2007 report, the U.N. Committee on the Elimination of Racial Discrimination recommended that the U.S. government "facilitate the return of persons displaced by Hurricane Katrina to their homes, if feasible, or to guarantee access to adequate and affordable housing, where possible in their place of habitual residence." It added that the U.S. government should make "every effort is made to ensure genuine consultation and participation of persons displaced by Hurricane Katrina in the design and implementation of all decisions affecting them."[17] The UN Special Rapporteur on Racism echoed those same sentiments in an April 2009 report that also recommended a "robust and targeted governmental response to ensure that racial disparities are addressed" for internally displaced people living in the Gulf Coast Region.[18]

The tragedy and devastation experienced by residents of the Gulf Coast region exposed the glaring inequalities that continue to afflict other parts of the country. The magnitude and scope of discrimination in housing, education, employment, and access to quality health care merits the kind of sustained examination that only a truly independent national human rights institution can provide, as recommended to the United States by the U.N. CERD committee last[19] year.

For these reasons, The Leadership Conference has joined forces with the American Civil Liberties Union, the Rights Working Group, and other organizations to form the Campaign for a

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[15] Division E, "National Defense Authorization Act for Fiscal Year 2010," Pub. L. 111-84 (Oct. 28, 2009).
[16] Pub. L. 111-2 (Jan. 29, 2009).
[17] United Nations Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination*, adopted March 5, 2008, at 10 (available at http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-USA-CO-6.pdf).
[18] United Nations Human Rights Council, *Racism, Racial Discrimination, Xenophobia And Related Forms Of Intolerance, Follow-Up To And Implementation Of The Durban Declaration And Programme Of Action; Addendum: Mission to the United States of America*, April 29, 2009 at 26 (available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.36.Add.3.pdf) .
[19] *Supra* note 17, at 3.

New Domestic Human Rights Agenda, which has called for reconstituting the current USCCR as the U.S. Commission on Civil *and Human Rights.* As described by our March 2009 report entitled, "Restoring the Conscience of a Nation,"[20] this new body would have an expanded mandate to include the framework of human rights and discrimination, including that based on sexual orientation and gender identity. We also recommend that commissioners be subject to Senate confirmation proceedings, in order to weed out potentially partisan nominees with little or no prior experience in civil or human rights policy issues.

The Right of Workers to Form Unions

Article 23(4) of the Universal Declaration of Human Rights states that "everyone has the right to form and to join trade unions for the protection of his interests."[21] Article 5(e)(ii) of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) contains similar language.[22]

Throughout the history of our nation's civil rights movement, this right to form unions was recognized as essential to promoting racial equality in our nation. Indeed, Leadership Conference co-founder A. Philip Randolph, longtime leader of the African-American Sleeping Car Porters Union, championed a broad pro-worker agenda as a vital part of our coalition's efforts. Following in Randolph's footsteps, Dr. Martin Luther King, Jr., when he marched in support of striking Memphis sanitation workers, recognized that it was not racial prejudice alone, but the joint effects of racial discrimination and economic privation that denied economic opportunity to poor African-American workers.

As Randolph and King wisely recognized, unions hold forth the promise of bringing us closer to a society where all Americans enjoy economic opportunity. Unions markedly improve wages and benefits for women and minorities, particularly those trapped at the bottom of the economic ladder. They also make workplaces fairer and more humane through the enforcement of contract provisions addressing issues like sick leave and workplace safety.

Women and minorities need unions now more than ever, as the current economic downturn is a particularly strong threat to low wage workers. Indeed, whatever modest economic gains women and minority workers have garnered in recent decades may be wiped out if they are unable to push back against wage and benefit cuts and to fight for better job security.

In spite of this need, our nation's labor laws are failing to keep up with changing circumstances that have dramatically weakened the labor movement. As we pointed out in a recent report,[23]

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[20] Leadership Conference on Civil Rights Education Fund, *Restoring the Conscience of a Nation: A Report on the U.S. Commission on Civil Rights*, March 2009 (available at http://www.civilrights.org/publications/reports/commission/).
[21] United Nations, *Universal Declaration of Human Rights* (1948) (available at http://www.udhr.org/UDHR/default.htm).
[22] United Nations, International Convention on the Elimination of All Forms of Racial Discrimination (1965) (available at http://www2.ohchr.org/english/law/cerd.htm).
[23] Leadership Conference on Civil Rights Education Fund, *Let All Voices Be Heard - Restoring the Right of Workers to Form Unions: A National Priority and Civil and Human Rights Imperative*, Sept. 2009 (available at http://www.civilrights.org/publications/voices-2009/).

employers routinely push the boundaries of our laws by delaying elections, coercing their workers to oppose unions, retaliating against union supporters, and refusing to agree to first contracts. Even when they overstep the law's boundaries, penalties are weak – nothing more than a slap on the wrist – so employers routinely decide they would rather risk the law's meager penalties in order to keep a union away.

In addition to aggressive employer resistance to the right to organize, the changing characteristics of the American workplace have also made it extremely difficult to organize women and minorities. Not only has our workforce shifted from manufacturing to low-skill service-sector jobs, but women and minority workers are most likely to be concentrated within these service jobs. Unlike manufacturing, the service industry presents unique obstacles to union organizing. The kind of shop-floor solidarity that often occurs in factories where workers toil side by side is less likely to take root. In contrast to large factories with many workers at a single site, smaller service industry locations, like retail stores or restaurants, require enormous investments by unions just to unionize a handful of workers. Without a change in our laws, it is difficult to imagine how unions will be able to organize widely in the service sector.

As a result of these factors, the decline of America's unions has reached a crisis point. One out of every three workers in the private sector was a union member in the late 1950s, a time when America enjoyed a growing middle class. Today, fewer than one in twelve workers in the private sector are union members.[24] Unions, more than ever before, stand ready to organize professions with large concentrations of minority workers. However, weaknesses in our labor laws and an all-out attack by the business community on labor unions have prevented unions from being a far greater force for economic opportunity than they might otherwise be.

For these reasons, The Leadership Conference views the Employee Free Choice Act (EFCA)[25] as a profoundly important step in fulfilling our nation's obligations under the UDHR, CERD, and other international human rights instruments. EFCA will prevent employers from using the many unfair tactics currently at their disposal to frustrate the desire of their workers to join unions. Among other things, it will provide for union representation as soon as a majority of workers express their desire to do so, rather than allowing employers to use tactics of delay and intimidation during the lengthy NLRB election process to coerce workers into rejecting a union. It will also enhance penalties for anti-union retaliation and will prevent employers from dragging their feet on first contract negotiations – a tactic frequently used to erode confidence and support for the union. Restoring fairness to the process by which workers choose a union is one of the most important steps we as a nation can take to address the remaining hurdles we face on our path to becoming a society where all our people enjoy the same opportunity to succeed.

Rights of Indigenous Peoples

Indigenous peoples are the original inhabitants of this country: Indian and Alaska Native nations and Natives of Hawai'i. These indigenous peoples hold inherent human rights, many of which

[24] Barry T. Hirsch and Jeffrey M. Hirsch, Remarks for Allied Social Science Association Meetings: *The Rise and Fall of Private Sector Unionism: What Comes Next?*, Dec. 2005.
[25] S. 560/H.R. 1409, 111th Cong. (2009).

are embodied in treaties and agreements with the United States, including the right to self-government, land rights, and the federal trust responsibility.

Sadly, the United States has not taken seriously its human rights obligations toward Indian and Alaska Native nations and individuals, nor toward Natives of Hawai'i. The indigenous peoples of this country continue to be denied many ordinary constitutional rights and human rights, especially the right to equality before the law. For example, the federal government claims the power to take aboriginally-held Native lands and resources without any compensation or due process of law, and Congress frequently deals with Native property and money with legislation that would be forbidden by the Constitution if it affected anyone else's property. Native nations are frequently denied any legal remedy for these wrongs, including federal violations of treaty obligations. This legal framework is inconsistent with our Constitution and with this country's human rights obligations.

Native women suffer horrendous levels of sexual violence, three times greater than that suffered by others. The cause is the dysfunctional and unfair law concerning criminal jurisdiction in Indian Country and the failure to adequately police and prosecute these crimes. This has been brought to the attention of the U.N. Committee on the Elimination of Racial Discrimination (CERD), but there has been no adequate response by the United States.

The United States was condemned by the Inter-American Commission on Human Rights for its discriminatory laws dealing Indian nations and individuals, particularly for the unfair procedures applied to Indian land rights and land claims, and for the United States' failure to accord Indian peoples equality before the law – particularly with respect to the protection of constitutional rights. This case was *United States v. Mary and Carrie Dann*.[26] The Inter-American Commission made a number of recommendations for correcting these human rights violations, but the United States has openly flouted the decision and refused to take any corrective action whatever.

These discriminatory laws and procedures affecting Native nations and individuals have been repeatedly noted and condemned by CERD as well over a period of many years. Again, the United States has done nothing to respond to CERD's recommendations and observations.

In recent years, we note that the United States was one of only four countries to vote against the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted by the General Assembly in 2007. The United States' reasons for voting "no" appeared to be pretextual rather than truly substantive. At the same time, the United States has refused to participate in negotiating and preparing the American Declaration on the Rights of Indigenous Peoples in the Organization of American States. The refusal of the United States to participate has had a severe adverse effect on the process and on indigenous rights, though practically all other countries are moving forward in a productive way in negotiations.

[26] Case 11.140, Report No. 75/02, Inter-Am. C.H.R. (2002) *(*affirming rights of indigenous peoples to their lands under international law and finding that the United States deprived Mary and Carrie Dann of their lands held under aboriginal title through procedures that did not accord due process and which denied the Danns equality before the law).

The failure of the United States to comply with its human rights obligations is widespread and complex. The consequences for the victims of abuse are terrible, and the consequences for this country, its character, and its reputation are very serious as well.

Conclusion

Less than a week ago, the world celebrated the 61st Anniversary of the Universal Declaration of Human Rights. The UDHR is a truly transformative document because it was the first attempt to hold all governments to a common standard of conduct, serving as a single yardstick that U.N. bodies and non-governmental organizations alike could use to measure governmental performance. With former First Lady Eleanor Roosevelt at the helm, the United States played a critical role in its adoption, on December 10, 1948.

Since then, the United States has often used the standards of UDHR and other instruments to criticize other governments, sometimes strongly, and rightfully so. Yet when it comes to conduct at home, those same international standards often get short shrift. I hope that will change. Indeed, as President Barack Obama aptly noted in his Nobel acceptance speech on Human Rights Day, "America cannot insist that others follow the rules of the road if we refuse to follow them ourselves." At the same time that we take our human rights ideals abroad, we must ensure that we bring them back home as well.

Thank you for both the opportunity to speak today and for your leadership on this issue. I look forward to answering any questions you may have.