

Opening Statement of U.S. Senator Richard J. Durbin
(As prepared for delivery)

Senate Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights and Human Rights
Hearing on “The State of Civil and Human Rights in the United States”
Tuesday, December 9, 2014

Our identity as Americans is based on ideas and values, not ethnicity or creed. This is what makes our nation unique. But since its founding, there has been a divide between the promise and the reality of America. The man who wrote in our Declaration of Independence that “All men are created equal” was a slaveholder. And the Constitution – our founding charter – treated African Americans as property and women as second-class citizens.

The history of our country has been a slow march to fulfill the promise of our ideas. Brave men and women have fought and sacrificed – sometimes even giving their lives – in the struggle to create the “more perfect union” that our national charter promised.

The election of our first black president shows that we have come a long way as a nation. But it is important to recognize – and to say clearly – that there is still a problem with racism in America and we still have work to do.

This Subcommittee has tried to look in the mirror – to examine what more needs to be done to protect civil and human rights in our country.

We have tried to understand the human impact of the issues we debate by hearing directly from the people who are most affected. We have given a platform to voices that are not often heard in the halls of Congress.

I have often said that this Subcommittee focuses on legislation, not lamentation. And we have taken the words of our witnesses and translated them into action.

I worked with the first Ranking Member of this Subcommittee – Senator Tom Coburn – to pass four laws that give the government more power to prosecute human rights abusers. In 2012, the Obama Administration used this authority to deport Liberian warlord George Boley for using child soldiers.

After we heard the powerful testimony of Cedric Parker, I worked with Senator Jeff Sessions and other members of the Judiciary Committee to pass the Fair Sentencing Act, which significantly reduced the sentencing disparity between crack and powder cocaine and repealed a mandatory minimum sentence for the first time since the Nixon Administration.

After this Subcommittee held the first-ever Congressional hearings on solitary confinement – where we heard from Anthony Graves and Damon Thibodeaux – the federal Bureau of Prisons agreed to my request to submit to the first independent assessment of its solitary confinement policies and practices.

After we heard the brave testimony of Harpreet Singh Saini, I successfully pushed the Justice Department to begin tracking hate crimes against Sikh Americans, Arab Americans, and Hindu Americans.

But, we have been reminded in recent days that there is much more work to do.

When our government still believes that it is acceptable – in the name of security – to profile people based on their race, national origin or religion, there is more work to do.

When Muslim Americans are the targets of violent hate crimes simply because of their religion, there is more work to do.

When states around the country adopt laws that make it harder for minority communities to vote, there is more work to do.

When unarmed African-American men and boys are killed, and their names – Trayvon Martin, Jordan Davis, Michael Brown, and Eric Garner – bring tears to our eyes, there is more work to do.

When protestors take to the streets to shout out:

- “Hands up, don’t shoot.”
- “I can’t breathe.”
- “Black lives matter.”

... there is more work to do.

When a significant part of the American family is disenfranchised and does not trust the police or the criminal justice system, there is more work to do.

Congress must play our part. We should start with a number of bipartisan efforts to protect civil and human rights. For example, we should pass the Smarter Sentencing Act, which I introduced with Senator Mike Lee, and which is cosponsored by Senator Leahy, the Chairman of the Committee, and Senator Cruz, the Ranking Member of this Subcommittee. The Smarter Sentencing Act would make important reforms to our sentencing laws for nonviolent drug offenses.

We should restore federal voting rights for ex-offenders, which Senators Cardin and Paul have both proposed. There are some 5.8 million Americans who, after paying their debt to society, are still denied the right to vote. And this type of disenfranchisement has a disproportionate impact on people of color.

We also should pass the Voting Rights Amendment Act, which was authored by Chairman Leahy, and Republican Congressman Jim Sensenbrenner. This bipartisan legislation is a response to the Supreme Court's 2013 *Shelby County* decision, which gutted the Voting Rights Act.

This is my last hearing as Chairman of this Subcommittee before I turn over the gavel to Senator Cruz, the incoming Chairman. Clearly, there is much more work to do, and I look forward to working with Senator Cruz in the 114th Congress as we continue the struggle to create a more perfect union.