

Statement of

The Honorable Patrick Leahy

United States Senator

Vermont

July 31, 2008

OPENING STATEMENT OF SENATOR PATRICK LEAHY,

CHAIRMAN, SENATE JUDICIARY COMMITTEE,

OPENING STATEMENT

EXECUTIVE BUSINESS MEETING

JULY 31, 2008

I trust that Republican Senators will abandon their boycott today so that we can get back to the legislative business of the Committee and make progress. I thank the Senators who are here, and I look forward to bipartisan cooperation so that we can complete our work efficiently this morning. Our agenda has important items held over since June, including the bipartisan bill to reauthorize the Juvenile Justice and Delinquency Prevention Act.

I hope that today we will be able to report important legislation to reauthorize the William Wilberforce Trafficking Victims Protection Act. This bill would strengthen our efforts to stop the abhorrent practice of human trafficking around the world. Our bill enhances protections for victims of these terrible crimes. Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual or labor exploitation. These practices continue to victimize hundreds of thousands around the world, mostly women and children, and we must do all that we can to be more effective in confronting this continuing problem. I thank Senator Biden for his leadership.

In addition, we have before us a number of items that we have not been able to get to because of the stalling. They include the Fairness in Nursing Home Arbitration Act, the Fugitive Information Networked Database Act, the Methamphetamine Production Prevention Act and the National Guard and Reservists Debt Relief Act.

I have also added to the agenda a number of additional items on which I hope we will act promptly. First among them is the Enforcement of Intellectual Property Rights Act that I introduced with Senators

Specter, Feinstein, Cornyn, Bayh and Voinovich. This measure is not only bipartisan; it is supported by the National Association of Manufacturers and the Chamber of Commerce. So I hope it will not be delayed.

I have added a bill I have been trying to pass through the Senate since mid-June when I received the request on behalf of the Chief Justice of the United States to extend the authority for the Supreme Court police. We tried to move the measure quickly on the Senate floor, but were stymied by Republican objection, so it is before us today.

We have Senator Feinstein's bill to provide Equal Justice for United States Military Personnel, also a bipartisan measure.

The House has sent us a commission authorization for a Ronald Reagan Centennial Commission. I trust that Republican Senators will help make the quorum so that we can consider this measure.

I have also included at Senator Sessions' request his bill with Senator Durbin that has also been sponsored by Senators Coburn and Cornyn to penalize those who assist persons entering the United States who have engaged in genocide or torture.

We also have a number of resolutions sponsored by Senator Hatch and one whose lead sponsor is Senator Graham and that is cosponsored by Senators Brownback, Coburn, Cornyn, Sessions and Specter.

So there is something for everyone, a large number of bipartisan bills and resolutions on which we can make quick progress if Republicans end their boycott.

I have urged bipartisan cooperation for some time. Sadly, in June and July this Committee has become much less productive than I would have liked, and the Senate has been virtually shut down by Republican objections to bipartisan measures that should have been passed. That has required me, and continues to require me, to spend much more of my time and attention focused on the stalled legislative agenda.

The bill stalled by Republican filibuster early this week included legislation to help law enforcement cope with mentally ill offenders, and to protect our children from the scourges of drugs, child pornography, and child exploitation, as well as the reauthorization of the Runaway and Homeless Youth Act and the Emmett Till Unsolved Civil Rights Crime Act.

It seems particularly perverse that legislation meant to protect our children and grandchildren from the dangers of the modern world has become the subject of partisan obstructionism. The legislation included the "PROTECT Our Children Act," which Senator Biden has championed and which would streamline the government's efforts to investigate and prevent the exploitation of children. It also included two separate measures that strengthen the laws against the despicable practice of child pornography. I have worked hard with many of my colleagues to pass these and other child protection bills, and I regret that a Republican filibuster has prevented them from being considered by the Senate. The Effective Child Pornography Prosecution Act passed the House 409-0 last November. The Enhancing the Effective Prosecution of Child Pornography provision passed the House 416-0 last November. The PROTECT Our Children Act passed the House 415-2 last November. The Drug Endangered Children Act passed the House last September 389-4. All of these bills have been cleared by all Democratic Senators, and all were included in the measure stalled by Republican filibuster on Monday.

That was two days before a Republican filibuster stalled the Senate from proceeding to the Free Flow of Information Act, the media shield legislation that was reported last year by the Committee with a strong, bipartisan 15-4 vote. I am sorry that even some of the Republican cosponsors of that measure abandoned it yesterday when it came to a vote. A majority of the Senate voted to proceed to it to protect the public's right to know. A Republican filibuster stalled that action.

Until the Republican slowdown, the Judiciary Committee had been working effectively throughout this Congress to advance the priorities of Americans. We have reported legislation to support local law enforcement to make our cities and towns safe from crime that has now gone back up after consistent declines, to protect our children from exploitation and poverty, to ensure the civil rights and voting rights of Americans, to combat fraud and corruption, and to keep us secure without sacrificing our values.

Americans are feeling the effects of a very real recession - not mental depression or whining-- which has left them with fewer jobs and record high prices, growing inflation and economic insecurity in their homes, their banks, their health insurance, their children's education, and in so many aspects of their lives.

Americans are looking to us in Congress to work to solve vexing problems. We had an opportunity in this Congress to come together across party lines to do the work of the American people. Instead, regrettably some have chosen to obstruct our progress and stand in the way of legislation designed to help hard working Americans. I hope that on this Committee we will be able to meet and make progress today and that the Republican boycott will come to an end.

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Statement Of Senator Patrick Leahy

Chairman, Senate Committee on the Judiciary

On S. 3061, the William Wilberforce Trafficking Victims Protection

Reauthorization Act of 2008

July 31, 2008

The Judiciary Committee today considers important legislation to reauthorize the William Wilberforce Trafficking Victims Protection Act, a bill that would strengthen our efforts to stop the abhorrent practice of human trafficking in the United States and around the world. This bill enhances protections to the victims of these terrible crimes and provides new laws against the immoral practice of recruiting children to be soldiers. Human trafficking is a modern-day form of slavery, involving victims who are forced, defrauded or coerced into sexual or labor exploitation. These practices continue to victimize hundreds of thousands around the world, mostly women and children, and we must continue to make the laws banning human trafficking more effective and meaningful.

The coerced and often violent subjugation and exploitation of women, girls, and children continues to plague many regions of the world. As news reports continue to reveal, women and girls from many nations are sold as slaves and forced to engage in the sex industry. Children are recruited, and sometimes even drugged, to become soldiers in war-torn regions of the world, and poor destitute immigrant workers are often duped or coerced to work in intolerable conditions that amount to forced labor. Even in the United States, we are not immune to the scourge of human trafficking, as evidenced by recent reports of Haitian children being brought to the United States as servants, who are then beaten and abused into servitude. Progress has been made to address these horrific problems, but we must continue to do more. This bill does.

I want to thank Senator Biden for introducing this bill in the Senate. I commend him for working with all the Federal agencies and constituent interests to address new issues that continue to come up in the fight against human trafficking. This bill will provide more protection to victims, particularly child victims of human trafficking, and will give prosecutors new tools to gain cooperation from witnesses and informants who can provide vital testimony in human trafficking prosecutions. This bill also contains tools to combat the equally abhorrent practice of recruiting or using child soldiers. I understand that Senator Biden has pledged to continue to work with all affected groups as the bill moves forward and has committed to make changes that will improve the bill. I particularly appreciate his commitment to remove language that would result in unintended mandatory minimum penalties in the bill.

We must rededicate our efforts to the prevention of human trafficking, the protection of its victims, and prosecution of those who would commit these heinous offenses. No where on earth should it be acceptable to deceive, abuse, and force a person into a life of enslavement. To deny a person their right to freedom is an affront to the ideals of this nation. I urge all senators to support this legislation today, and I look forward to its swift passage by the full Senate. # # # #

Statement of Senator Patrick Leahy,

Chairman, Senate Judiciary Committee

On the "Juvenile Justice and Delinquency Prevention Reauthorization Act"

Executive Business Meeting

July 31, 2008

Today we turn to important legislation designed to protect our communities and particularly our most precious asset, our children. This bill, the Juvenile Justice and Delinquency Prevention Reauthorization Act, seeks to not only keep our children safe and out of trouble, but also to help to ensure they have the opportunity to become productive adult members of society. Senator Specter and Senator Kohl have been leaders in this area of the law for decades, and I was honored to join with them once again last month to introduce this important initiative.

The Juvenile Justice and Delinquency Prevention Act sets out Federal policy and standards for the administration of juvenile justice in the states. It authorizes key Federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. With the reauthorization of this important legislation, we recommit to these important goals. We also push the law forward in key ways to better serve our communities and our children.

The basic goals of the Juvenile Justice and Delinquency Prevention Act remain the same: keeping our communities safe by reducing juvenile crime, advancing programs and policies that keep children out of the criminal justice system, and encouraging states to implement policies designed to steer those children who do enter the juvenile justice system back onto a track to become contributing members of society.

The reauthorization that we consider today augments these goals in several ways. First, this bill encourages states to move away from keeping young people in adult jails. The Centers for Disease Control and Prevention concluded late last year that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with similar histories who are

kept in juvenile facilities. After years of pressure to send more and more young people to adult prisons, it is time to seriously consider the strong evidence that this policy is not working.

We must do this with ample consideration for the fiscal constraints on states, particularly in these lean budget times, and with ample deference to the traditional role of states in setting their own criminal justice policy. We have done so here. But we also must work to ensure that unless strong and considered reasons dictate otherwise, the presumption must be that children will be kept with other children, particularly before they have been convicted of any wrongdoing.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

I am disturbed that children from minority communities continue to be overrepresented in the juvenile justice system. This bill encourages states to take new steps to identify the reasons for this serious and continuing problem and to work together with the Federal government and with local communities to find ways to start solving it.

I am also concerned that too many runaway and homeless young people are locked up for so-called status offenses, like truancy, without having committed any crime. In a Judiciary Committee hearing earlier this year on the reauthorization of the Runaway and Homeless Youth Act, I was amazed by the plight of this vulnerable population, even in the wealthiest country in the world, and inspired by the ability of so many children in this desperate situation to rise above that adversity.

This reauthorization of the Juvenile Justice Act takes strong and significant steps to move states away from detaining children from at-risk populations for status offenses. This bill requires rigorous new procedures before a state can detain a status offender, and strictly limits the time these young people may be detained. This provision was drafted with the limited resources of states in mind, as well as deference to judicial discretion and the need to keep children safe when no other appropriate placement is available. At the same time, it aims to move states decisively in the direction of ending the practice of detaining status offenders, as some states already have.

As I have worked with experts on this legislation, it has become abundantly clear that mental health and drug treatment are fundamental to making real progress toward keeping juvenile offenders from reoffending. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and fully eighty percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. This bill takes new and important steps to prioritize and fund mental health and drug treatment.

The bill tackles several other key facets of juvenile justice reform. It emphasizes effective training of personnel who work with young people in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to eliminate cruel and unnecessary treatment of juveniles. The bill also creates incentives for the use of programs that research and testing have shown to work best.

Finally, the bill refocuses attention on prevention programs intended to keep children from ever entering the criminal justice system. I was struck when Chief Richard Miranda of Tucson, Arizona, said in a December hearing on this bill that we cannot arrest our way out of the problem. I heard the same sentiment from Chief Anthony Bossi and others at the Judiciary Committee's field hearing earlier this year on young people and violent crime in Rutland, Vermont. When seasoned police officers from Rutland, Vermont, to Tucson, Arizona, tell me that prevention programs are pivotal, I pay attention.

Just as this administration and recent Republican Congresses have gutted programs that support state and local law enforcement, so they have consistently cut and narrowed effective prevention programs, creating a dangerous vacuum. We need to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

I have long supported a strong Federal commitment to preventing youth violence, and I have worked hard on past reauthorizations of this legislation, as have Senators Specter and Kohl and others on the Judiciary Committee. We have learned the importance of balancing strong law enforcement with effective prevention programs. This reauthorization pushes forward new ways to help children move out of the criminal justice system, return to school, and become responsible, hard-working members of our communities.

These are difficult issues. We all care deeply about the well-being of our children and our communities, but we will not always agree completely on the best way to address the problems that keep too many of our young people ensnared in the justice system. After months of research and discussions, Senator Kohl, Senator Specter, and I believe we have found a way forward toward creating a system that will work more effectively to protect our young people.

This legislation seeks to move the country in new directions to protect our communities and give our children the chance they need to grow up to be productive members of society. But we were careful to do so with full respect for the discretion due to law enforcement and judges, with deference to states, and with a regard for difficult fiscal realities. We are introducing a complete substitute today that refines the bill further and addresses concerns from all ends of the political spectrum.

I hope that Senators will resist the temptation, on the one hand, to return to the time-worn approach of proposing draconian measures which make for good headlines but poor long-term policy, and, on the other, to go too far in imposing our own policy preferences on our states, cities, and towns. I ask unanimous consent that the letters of support from dozens of organizations, and editorials from three national newspapers, be included in the record. I hope all Senators will support this carefully balanced legislation.

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