

Statement of
The Honorable Patrick Leahy

United States Senator
Vermont
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Statement of Senator Patrick Leahy (D-Vt.)
Chairman, Senate Judiciary Committee
Hearing before the Subcommittee on the Constitution,
Civil Rights, Human Rights, and the Law
"Protecting the Civil Rights of American Muslims"
March 29, 2011

Director Robert Mueller of the Federal Bureau of Investigation (FBI) has testified before this Committee and others that, in the past few years, there has been a dramatic increase in the activities of domestic hate groups. Some of these activities have resulted in attacks targeting the American Muslim community. To make matters worse, some leaders have sought to sow fear and divisiveness against American Muslims. Fanning the flames of hate against those with different faith traditions runs contrary to our American values. This Nation was founded in large part on the importance of religious freedom.

I welcome the renewed focus by some on our fundamental charter, the Constitution of the United States. The Constitution is not a menu with options to choose based on the political whims of the moment. Instead it sets forth freedoms and protections that are to be guaranteed to all.

The First Amendment in our Bill of Rights is one of the most defining principles of our national character. It helps preserve all of our other rights. By guaranteeing a free press and the free exercise of religion, it ensures an informed electorate and the freedom to worship God as we choose -- or not to worship at all.

Throughout the history of the world, religious minorities have been persecuted and maligned. There is a long list of religions whose members have been systematically denied freedom, categorically stigmatized and even exterminated. We must never forget this when considering religious freedom and religious minorities in this country.

All Americans deserve civil rights protections and the freedoms provided in the Constitution. This does not end with the vital protections afforded by the First Amendment. It continues to ensure due process and equal protection. It is bolstered by important civil rights laws that we have passed to protect the practice of religion without discrimination.

Many of the members of this Committee worked with the late Senator Ted Kennedy and me over the past several decades to ensure this fundamental freedom. We worked together to pass the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act. Religious freedom has long been a bipartisan issue in the Senate, but more importantly it

has been a consistent American value. American Muslims, like all Americans, must be protected by the rule of law that upholds these constitutional and statutory protections.

During the last several years, I worked to enact the Matthew Shepard Hate Crimes Prevention Act to strengthen the civil rights of all Americans. All of us deserve to feel safe regardless of who we are, who we love, or what religion we choose to practice. This new law expanded the protection of hate crimes laws to those targeted based on their disability, sex, sexual orientation and gender identity. At the same time, it responded to law enforcement concerns about the difficulty of bringing criminal prosecutions against those who target their victims because of their religion, ethnicity or race.

Last year, in the run up to national elections, the rhetoric grew even more heated and threatening. There were threats of Koran burnings and some have even asserted that Muslim Americans are not entitled to the protection of the First Amendment. That comment should shock and offend anyone who claims to love and respect the Constitution.

Others on the radical right have suggested that Islam, one of the oldest and widely practiced religions on earth, is somehow not a religion at all, as part of their argument that its followers should be denied First Amendment protections. I hope that Americans will remember why our Founding Fathers established this great Nation when such divisive rhetoric is used for partisan purposes.

I welcome the Assistant Attorney General for Civil Rights, Tom Perez; a former Assistant Attorney General for Civil Rights, Alex Acosta; and a former Judiciary Committee counsel, Farhana Khera to the hearing today. I am pleased that one of the leading voices of the Catholic Church in America is here today to testify. Cardinal McCarrick's testimony reminds us that we Catholics also had our loyalty to America questioned - not just in the earliest days of our Republic, but during the lifetimes of many of us. Members of the Senate of other faiths also know from their own experience that religious and ethnic bigotry can be easy to ignite and difficult to extinguish. I agree with Cardinal McCarrick that "religious freedom is destroyed by attacks on people . . . because of their religion and by the terrible misuse of religion to incite hatred and even justify violence." When divisive religious rhetoric is used for partisan advantage it demeans the principles upon which this great Nation was founded.

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