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STATEMENT BEFORE THE JUDICIARY COMMITTEE

MEMBER DAY HEARING

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As a Senior Member of this Committee, and Chair of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, I would like to thank Chairman Nadler for his ongoing leadership and fearless championing on issues of vital import to the America people. I appreciate the opportunity to engage with all members of this Committee once again, and to advocate further for African Americans, women, voters, and victims of gun violence.

I. H.R. 40, the "*Commission to Study and Develop Reparation Proposals for African Americans Act*"

On April 13, 2021, for the first time, H.R. 40 passed out of this Committee and is now heading to the floor of the House. H.R. 40 will create the framework for a national discussion on the enduring impact of slavery and its complex legacy to begin the necessary process of atonement. The goal of these historical investigations is to bring American society to a new reckoning with how our past affects the current conditions of African Americans and to make America a better place by helping the truly disadvantaged

In 1989, my predecessor as the most senior African American on the Judiciary Committee, the Honorable John Conyers, a past Chairman of the Committee, introduced H.R. 40, legislation that would establish a commission to study and develop proposals attendant to reparations. Though many thought it a lost cause, John Conyers believed that a day would come when our nation would

need to account for the brutal mistreatment of African-Americans during chattel slavery, Jim Crow segregation and the enduring structural racism endemic to our society.

This past year, we witnessed nightly civil disobedience in the streets of America in memory of countless acts of the inequality and cruelty visited upon young African American men and women no longer with us in body but forever with us in memory. Now, more than ever, the facts and circumstances facing our nation demonstrate the importance of H.R. 40 and the necessity of placing our nation on the path to reparative justice.

While it might be convenient to assume that we can address the current divisive racial and political climate in our nation through race neutral means, experience shows that we have not escaped our history. Though the Civil Rights Movement challenged many of the most racist practices and structures that subjugated the African American community, it was not followed by a commitment to truth and reconciliation. For that reason, the legacy of racial inequality has persisted, and left the nation vulnerable to a range of problems that continue to yield division, racial disparities, and injustice.

By passing H.R. 40, Congress can start a movement toward the national reckoning we need to bridge racial divides. We owe it to those who were ripped from their homes those many years ago an ocean away; we owe it to the millions of Americans who were born into bondage, knew a life of servitude, and died anonymous deaths, as prisoners of this system. We owe it to the millions of descendants of these slaves, for they are the heirs to a society of inequities and indignities that naturally filled the vacuum after slavery was formally abolished 154 years ago.

We owe it to them to bring H.R. 40 to the floor for a vote, so that the Senate can subsequently vote on it and we can get H.R. 40 to the President's desk for signature.

II. H.R. 1280, the "*George Floyd Justice in Policing Act*"

As the Chair of the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security and a senior member of the Committee on the Judiciary, as an original cosponsor of the legislation, and the author of several of its key legislative provisions, I am pleased to speak today about the House's historic passage of the H.R. 1280, the *George Floyd Justice In Policing Act of 2021*, which marks a defining point in our country.

The horrifying killing of George Floyd on May 25, 2020 by a Minneapolis police office shocked and awakened the moral consciousness of the nation. Untold millions saw the terrifying last 8:46 of life drained from a black man, George Floyd, taking his last breaths face down in the street with his neck under the knee of a police officer who, along with his three cohorts, was indifferent to his cries for help and pleas that he 'can't breathe.' The civil disobedience witnessed nightly in the streets of America were also in memory of countless acts of the inequality and cruelty visited upon young African American men and women no longer with us in body but forever with us in memory.

The times we find ourselves in demand that action be taken, and that is precisely what the Democratic majority in the House did in passing the *George Floyd Justice in Policing Act of 2020.* I worked tirelessly to pass this bold legislation not just as a senior member of Congress, but also as a mother of a young African American male who knows the anxiety that all African American mothers feel until they can hug their sons and daughters who return home safely, and on behalf of all those relatives and friends who grieve over the loss of a loved one whose life and future was wrongly and cruelly interrupted or ended by mistreatment at the hands of the police.

The *George Floyd Justice in Policing Act of 2021* is designed to destroy the pillars of systemic racism in policing practices that has victimized communities of color for decades, and is

long overdue. No longer will the American people be subjected to practices that encourage systemic mistreatment of persons because of their race. This legislation puts the Congress of the United States on record against racial profiling in policing and against the excessive, unjustified, and discriminatory use of lethal and force by law enforcement officers against persons of color.

It is true all lives matter, they always have. But Black lives matter too, and in so many other areas of civic life, this nation has not always lived up to its promise. Every African American parent, and every African America child, knows all too well 'The Talk' and the importance of abiding by the rules for surviving interactions with the police.

The overriding purpose and aim of the *George Floyd Justice in Policing Act of 2021*, is to weed out and eliminate systemic racism in police practices. I am particularly pleased that the *George Floyd Justice In Policing Act* includes the *End Racial Profiling Now Act*, which I introduced to ban the pernicious practice of racial profiling, as well as the the bipartisan and bicameral *George Floyd Law Enforcement Trust and Integrity Act*, which I introduced with Congressman Crow of Colorado as H.R. 1570.

Effective enforcement of the law and administration of justice requires the confidence of the community that the law will be enforced impartially and that all persons are treated equally without regard to race or ethnicity or religion or national origin. As the great jurist Judge Learned Hand said: "If we are to keep our democracy, there must be one commandment: thou shalt not ration justice."

Equal justice is the proud promise America makes to all persons; the *George Floyd Justice in Policing Act of 2021* will help make that promise a lived reality for African Americans, who have not ever known it to be true in the area of community-police relations. I am proud that this bill has been passed by the House, but it is currently languishing in the Senate. The Senate must

vote on and pass this bill, because only when Black Lives Matter can it truthfully be said that all lives matter.

III. H.R.1620, the "*Violence Against Women Act Reauthorization Act*"

H.R. 1620, the Violence Against Women Reauthorization Act ("VAWA") is a product born of meticulous and thoughtful research and countless engagement with those on the ground, who have worked intimately on these issues daily. We began this long journey, and hard-fought battle under the leadership of Republicans, who at the time refused to engage or put forward their own version of VAWA when it expired in 2018 while they held the majority.

But we continued to push forward on behalf of all victims and survivors to reauthorize the Violence Against Women Act (VAWA) of 1994. As we all know, VAWA is a landmark piece of legislation first enacted in 1994 and signed into law by President Bill Clinton as part of the Violent Crime Control and Law Enforcement Act of 1994. This legislation was enacted in response to the prevalence of domestic and sexual violence, and the significant impact of such violence on the lives of women.

Statistics have revealed that these form of violence impact us all. In the United States, an estimated 10 million people experience domestic violence every year, and more than 15 million children are exposed to this violence annually. According to the National Coalition Against Domestic Violence, nearly 20 people per minute are physically abused by an intimate partner. Additionally, nearly 1 in 4 women and 1 in 9 men experience severe intimate partner physical violence, sexual violence, and/or partner stalking with injury.

Today, in Texas, 35.1 percent of women and 34.5 percent of men are subjected to domestic violence. This is why it is imperative that the Senate signs the House-passed reauthorization bill so that President Biden can sign it into law. Enough is enough.

Congress has reauthorized VAWA three times—in 2000, 2005, and 2013—with strong bipartisan approval and overwhelming support from Congress, states, and local communities. During each reauthorization, Congress has made make various meaningful improvements to the Act to meet the varied and changing needs of survivors. VAWA expired since September 30, 2018 and the Senate is called upon by the survivors to reauthorize it now.

IV. H.R. 4, the "*John R. Lewis Voting Rights Advancement Act*"

This Committee has held multiple hearings to examine voting rights and the repeated attacks the Voting Rights Act has suffered at the hands of the Supreme Court. With the House passage of H.R. 4, the "*John Lewis Voting Rights Advancement Act,*" Congress took a giant step in correcting the grievous injury inflicted upon the nation by the Supreme Court in its horrific twin decisions of *Shelby County v. Holder* and *Brnovich v. DNC*, which combined had the effect of neutering the preclearance provisions of Section 5 and the congressionally mandated broad scope of Section 2.

With the solid protections against 'retrogression' that are embedded in H.R. 4, even the most subtle and outrageous vote suppression efforts like Texas S.B. 7 will yield to the command of H.R. 4, which creates a new coverage formula for preclearance based on "current conditions." This formula hinges on a finding of repeated voting rights violations in the preceding 25 years. States and political subdivisions that qualify for preclearance will be covered for a period of 10 years, but if they have a clean record during that time period, they can be extracted from coverage. As I have stated many times, for those states that earn their way into preclearance, it is only fair and right that they also earn their way out.

H.R. 4 also establishes "practice-based preclearance," which would focus administrative or judicial review narrowly on suspect practices that are most likely to be tainted by discriminatory intent or to have discriminatory effects, as demonstrated by a broad historical record.

I am here today to remind the nation that the need for Senate passage of H.R. 4 is urgent because the right to vote – that "powerful instrument that can break down the walls of injustice" – faces grave threats. The threat stems from the decision issued in June 2013 by the Supreme Court in *Shelby County v. Holder*, 570 U.S. 193 (2013), which invalidated Section 4(b) of the VRA, and paralyzed the application of the VRA's Section 5 preclearance requirements. Not to be content with the monument to disgrace that is the *Shelby County* decision, the activist right-wing conservative majority on the Roberts Court, on July 1, 2021, issued its evil twin, the decision in *Brnovich v. DNC*, 594 U.S. ___, No. 19-1257 and 19-1258 (July 1, 2021), which engrafts on Section 2 of the Voting Rights Act onerous burdens that Congress never intended and explicitly legislated against.

Were it not for the 24th Amendment, I venture to say that this conservative majority on the Court would subject poll taxes and literacy tests to the review standard enunciated in *Brnovich v. DNC*. According to the Supreme Court majority, the reason for striking down Section 4(b) of the Voting Rights Act was that "times change." Now, the Court was right; times have changed. But what the Court did not fully appreciate is that the positive changes it cited are due almost entirely to the existence and vigorous enforcement of the Voting Rights Act.

In the same way that the vaccine invented by Dr. Jonas Salk in 1953 eradicated the crippling effects but did not eliminate the cause of polio, the Voting Rights Act succeeded in stymieing the practices that resulted in the wholesale disenfranchisement of African Americans and language minorities but did eliminate them entirely. The Voting Rights Act is needed as much

today to prevent another epidemic of voting disenfranchisement as Dr. Salk's vaccine is still needed to prevent another polio epidemic.

As Justice Ruth Bader Ginsburg stated in *Shelby County v. Holder*, "[t]hrowing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet. That is why the Voting Rights Act is still needed and that is why the Senate must pass H.R. 4, the "*John Lewis Voting Rights Advancement Act*."

V. H.R. 130, the "*Kimberly Vaughan Firearm Safe Storage Act*"

In May of this year, as Chairwoman of the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, I convened a hearing on the plague of gun violence in this nation. In the time since this hearing, many more American lives have been heartbreakingly, and unnecessarily, lost to gunfire. In 2021 alone, there have been 35,778 deaths due to gun violence, and there have been 571 mass shootings.

Our nation's current circumstances have exacerbated the problem: throughout the pandemic, gun sales have surged, with more children at home with firearms that have not been properly secured. On top of these frightening dynamics, there has been an uptick in firearm-fueled violent crime that has left families and communities torn and afraid.

The statistics are sobering: on average, 316 people are shot every day, with over 100 killed and 64 dying by suicide. Each one of these deaths leaves a hole in the fabric of their family and community.

As with so many other tragedies, children often bear the brunt of gun violence. On a daily basis, 8 children are victims of family fire due to an improperly stored or misused gun found in their home. Additionally, guns account for nearly half of all suicide deaths, and in the majority of

children's gun suicides, the guns were stored in the child's place of residence or the residence of a relative or friend.

We cannot allow this to continue in our country. This is why safe storage of guns is critical to our public safety, and why I have introduced H.R. 130, the "*Kimberly Vaughan Firearm Safe Storage Act*." This bill will regulate the proper storage of firearms and ammunition for residences with children under the age of 18 or a residence with a person who is ineligible to own a firearm.

Needless gun violence and deaths must be addressed, and I encourage all members of this esteemed Committee to continue working towards ending the scourge of gun violence in our nation.