

**Testimony of Representative Steve Cohen
Before the Crime Subcommittee of the House Judiciary Committee
Hearing on Racial Disparities in the Criminal Justice System
October 29, 2009**

Chairman Scott, Ranking Member Gohmert, and my fellow members of the Subcommittee. Thank you for holding this hearing today and for inviting me to testify. I appreciate the opportunity to be a part of this crucial discussion on the real and perceived racial disparities that permeate the criminal justice system. Today, I would like to bring to the Subcommittee's attention a bill I have introduced that would further this discussion.

Studies, reports, and case law from the last several years have documented racial disparities at many stages of the criminal justice system. This includes racial profiling of potential suspects, prosecutorial discretion over charging and plea bargaining decisions, mandatory minimum sentences, and countless other policies and decisions that may contribute to the disparities we see today.

Even laws that are race-neutral on their face may lead to racially disparate outcomes. Our cocaine sentencing laws are one obvious example of this, and I commend Chairman Scott for his leadership in finally addressing that issue. In addition, racial disparities are often the consequence of unconscious bias on the part of police, prosecutors, and others involved in the criminal justice system. That makes them no less real. It is important that we understand the extent of these racial disparities, the causes, and, most important, the solutions. We also need to determine whether our perception of these disparities is greater than the actual problem.

That is why I introduced H.R. 1412, the Justice Integrity Act. This legislation would establish a pilot program to study the real and perceived racial and ethnic disparities in federal law enforcement and the criminal justice system, and make recommendations to address any disparities or perceptions of bias that are found as a result of the study.

The Justice Integrity Act would establish a five-year pilot program to create an advisory group in ten United States judicial districts headed by the U.S. Attorney for those districts. The advisory groups would consist of federal and state prosecutors and defenders, private defense counsel, judges, correctional officers, victims' rights representatives, civil rights organizations, business representatives, and faith-based organizations.

The advisory groups would be responsible for gathering data on the presence, cause, and extent of racial and ethnic disparities at each stage of the criminal justice system. Each advisory group would recommend a plan, specific to each district, to ensure progress towards racial and ethnic equality. The U.S. Attorney would consider the advisory group's recommendations, adopt a plan, and submit a report to the Attorney General. The bill would require the Attorney General to submit a comprehensive report to Congress at the end of the pilot program, outlining the results from all ten districts and recommending best practices.

I want to emphasize two of this bill's most important elements. First, it envisions an inclusive process that brings together all of the relevant stakeholders. Second, by establishing advisory groups throughout the country, it recognizes that different communities face different problems and require different solutions.

I am pleased to be joined in this legislation by Chairman Conyers and nearly 30 other cosponsors, including several members of this Subcommittee and the full Judiciary Committee. Companion legislation has been introduced in the Senate by Senators Cardin and Specter. I would note that the original Senate sponsor was the distinguished Vice President, Joe Biden. The bill has also been endorsed by numerous organizations, including the American Bar Association, the NAACP, the ACLU, the Brennan Center for Justice, the Sentencing Project, and several others.

Racial disparities have engendered a crisis of public trust in the integrity of the criminal justice system and fueled community perceptions of bias. When the system is perceived to be unfair towards racial minorities, communities can become reluctant to report crimes or cooperate with police and prosecutors. This reluctance to work with law enforcement can make it more difficult to catch criminals and protect the very people who distrust the justice system, thereby perpetuating a mistrust of the system. We must do what we can to end this cycle of mistrust.

The first step is to understand the full scope of the problem we are facing. This hearing is critical to that endeavor. I believe the Justice Integrity Act would expand upon today's important hearing. It would also undertake a systematic process to bring together all of the stakeholders and develop concrete solutions. It would help restore public confidence in the criminal justice system and ensure the fair and equal treatment of all Americans.

Mr. Chairman, I appreciate your holding this hearing today and giving me the opportunity to testify. I look forward to the testimony of the witnesses on the next panel.

Thank you.