

STATEMENT OF REP. JOHN CONYERS, JR.  
Courts, the Internet, and Intellectual Property Subcommittee  
Hearing on H.R. 1229, the "Federal Consent Decree Fairness Act"  
Tuesday, June 21, 2005

This bill is a blow to victims of police brutality, the disabled, and victims of state-sponsored pollution. It is unseemly that states would promise to comply with federal civil rights and environmental laws and then come to Congress in order to get out of such obligations.

First, by requiring virtually every federal consent decree with state and local governments to be relitigated every four years, it would set back decades of progress in civil rights enforcement, gut the Americans with Disabilities Act, and permit any locality to violate the Clean Water and Clean Air Acts. I am curious to hear why supporters of this legislation believe that police departments that abuse citizens or state agencies that fail to have wheelchair ramps at front entrances should receive a "Get out of Jail Free" card in four years.

Second, in my opinion, the best way for a state to get out of a consent decree is for it to comply with the law. Federal consent decrees are not permanent; the parties and courts are free to revise the terms of decrees as circumstances change and as the defendants improve their behavior. Creating a set timetable for review, as this bill does, would give greater bargaining power to lawbreakers.

Finally, those of us who are concerned with the unequal treatment of citizens believe the Justice Department brings too few, not too many, civil rights and environmental lawsuits. When it does bring cases, the Department uses consent decrees to ensure compliance with basic civil rights protections. Weakening consent decrees would make it impossible for the Department to ensure compliance with the law and invite states to break the law.

Creating a way out of the system is the same as suggesting that some people deserve lesser treatment than others, and I thought we had crossed that rubicon in the 1960's. At a time when we still see unarmed citizens being beaten by police officers and the mentally ill are being abused at state-run care centers, we should be strengthening federal law enforcement, not weakening it.