

**Statement of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing on “Reevaluating the Effectiveness of Federal Mandatory Minimum Sentences”
September 18, 2013**

Today we meet to confront the unsustainable growth of our federal prison population. After years of debate, I am encouraged that we have bipartisan agreement that we must act; that we must reevaluate how many people we send to prison and for how long. Fiscal responsibility demands it. Justice demands it.

One piece of the problem is the extensive use of mandatory minimum sentences. It is a problem that Congress created and that Congress must fix.

I want to be clear that some offenders deserve long sentences and no one is saying that we should not send dangerous criminals to prison. As a former prosecutor, I know that behind our most serious crimes are victims. Victims deserve peace of mind of knowing that the criminal who robbed them, or raped them, or defrauded them of their life savings is off the streets and being punished. We know that in some cases, especially white collar offenses, long sentences can serve as a deterrent to others. I also want to emphasize that our efforts should in no way be seen as a criticism of the tireless efforts of law enforcement officials who dedicate their lives to keeping us safe. They deserve our appreciation and support.

We must acknowledge, however, that our federal prison population is expanding at a rate that is simply unsustainable. In the last 30 years, it has soared by more than 700 percent. We now spend approximately \$6.4 billion a year on federal prisons; that is around one-quarter of the Department of Justice budget. This spending means fewer federal prosecutors and FBI agents; less funding for investigations; less support for state and local law enforcement; and fewer resources for crime prevention programs, reentry programs, and victim services.

Perhaps these skyrocketing costs would be acceptable if such mass incarceration improved public safety. But we know that it does not. While Congress has continued to pass legislation mandating ever longer sentences, the states have focused on successful alternatives. New York, South Carolina, Georgia, Ohio, Rhode Island, and Michigan have undertaken reforms like reducing sentences, repealing mandatory minimums, investing in recidivism reduction and they have saved tax payer dollars - all while their crime rates have decreased. It is time we look to the states and draw on the lessons they have learned.

The number of mandatory minimum penalties in the federal code nearly doubled from 1991 to 2011. Many of those mandatory minimums originated right here in this Committee room. When I look at the evidence we have now, I realize we were wrong. Our reliance on a one-size-fits-all approach to sentencing has been a great mistake. Mandatory minimums are costly, unfair, and do not make our country safer.

Take for example Weldon Angelos, a 23-year-old with no criminal history who received a 55-year mandatory minimum sentence for selling \$350 worth of marijuana on 3 occasions while in possession of a firearm. There is no question that Mr. Angelos committed a crime and deserved

to be punished. But 55 years? Mr. Angelos will be in prison until he is nearly 80 years old. His children, only 5 and 6 at the time of his sentencing, will be in their 60s. American taxpayers will have spent more than \$1.5 million locking him up.

The federal judge who sentenced Mr. Angelos, a Republican appointee, called this sentence “unjust, cruel, and irrational” and noted the sentence, which involved no violence, was much more than the minimum for hijacking, kidnapping, or rape. We must stop and ask ourselves what good does that sentence do society? Mr. Angelos’s sister is here today, as are many family members with similar stories of loved ones sent to prison for decades longer than reason and public safety demand. I want to thank them for being here.

Attorney General Eric Holder's decision last month not to pursue mandatory minimum sentences for certain drug cases is an encouraging step, but it won't reach cases like Mr. Angelos'. And the Department of Justice cannot solve this problem on its own. Congress must act.

In March, Senator Paul and I introduced the Justice Safety Valve Act of 2013, which would restore the sentencing discretion judges used to have if they determine that a mandatory minimum punishment is unnecessary and counterproductive. Senator Paul and I believe that judges, not legislators, are in the best position to evaluate individual cases and determine appropriate sentences. Our bipartisan legislation has received support from across the political spectrum.

I am also a co-sponsor of the Smarter Sentencing Act, which was introduced by Senators Durbin and Lee and makes necessary reforms to federal drug sentences. I understand that Senator Cornyn, Senator Whitehouse and others are also working on legislation to reduce the size of our prison population. I look forward to working with them to find a comprehensive solution to this problem.

We cannot afford to stay on our current path. Reducing mandatory minimum sentences, which have proven unnecessary to public safety, is an important reform that our federal system desperately needs. This is not a political solution – it is a practical one, and it is long overdue.

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