

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Hearing on “The Adequacy of Criminal Intent Standards in Federal Prosecutions”
January 20, 2016**

This Congress, few issues have brought together voices from across the political spectrum like the promise of criminal justice reform. Republicans and Democrats, faith leaders, civil rights organizations, business leaders and law enforcement are calling on Congress to reform our Nation’s unfair and fiscally unsustainable sentencing laws.

We have made tremendous strides towards that goal. Three months ago, this Committee reported the Sentencing Reform and Corrections Act with a broad bipartisan vote. The list of supporters continues to grow. In the coming weeks, we have an historic opportunity to pass legislation that will correct some of the worst injustices in our criminal justice system.

All of this progress is now at risk because some are demanding sweeping changes that would make it harder to hold corporations accountable when they sell food that sickens consumers, endanger workers, or poison our water supply. This so-called “default *mens rea*” reform effort has been soundly denounced by law enforcement and public safety experts from across the political spectrum. They provide concrete examples of how these bills will make it harder to prosecute violent criminals as well as big banks, Wall Street executives, and those entrusted to provide us with safe food and medicine.

Criminal statutes must be clearly written. To the extent there are statutes out there that need to be reexamined, I welcome that discussion. But we should do so on an individual basis. We should know by now that complex criminal problems cannot be solved by simplistic, one-size-fits-all legislation. That type of flawed thinking caused the crisis of over-incarceration that our sentencing bill is trying to fix.

We have asked those pushing these *mens rea* reforms for a list of criminal statutes they find concerning. I have yet to see such a compilation. I suspect that is because where they see a problem, I would see a corporate executive being held to account. Proponents of these reforms cannot hide this corporate benefit behind a call for a simple “default” rule.

We cannot let the push for this default *mens rea* standard sabotage our historic efforts at sentencing reform. We can no longer ignore the fiscal realities of our prison population. And we must not turn our backs on the families that are being torn apart by needlessly harsh prison sentences that do not make us safer.

I have been moved by the leadership of Senator Grassley, Senator Cornyn and others on the right to pass meaningful criminal justice reform. They both gave me their word that we would not add this sweeping new default standard to our sentencing reform bill. I call on them to reject these harmful distractions which will sink our hard-fought efforts. Instead, let’s stay focused on our shared goal and work to enact the bipartisan sentencing bill this year.

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