

**Statement of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee,  
Executive Business Meeting  
October 8, 2015**

Congress bears significant responsibility for the fiscal and human costs associated with our Nation's overcrowded prisons. The mandatory minimum sentences that we passed are a major driver of the nearly 800 percent increase in our federal prison population since 1980. I firmly believe in long sentences for those who are true threats to our communities, but mandatory minimums have largely missed their mark and resulted in sentences years, and sometimes decades, longer than necessary to keep us safe. And the cost is crippling. Congress created this problem, and only we can change the law and fix it. The Judiciary Committee begins that process today by discussing the Sentencing Reform and Corrections Act of 2015.

I thank Senator Grassley for keeping an open mind and continuing to listen to those of us on this Committee who have been fighting for years to reform criminal sentencing. I congratulate him for his leadership on this urgent issue. Although this bill does not go as far as I think it should – for example, I would return sentencing authority to judges and eliminate all mandatory minimum sentences – it is a positive step. I understand that not everyone in this Committee room or this Senate is ready to end these sentences but we have found some common ground. We are simply spending too much money locking people up for longer than is necessary to ensure public safety. These unnecessary costs are bleeding funding from our state and local law enforcement officers who are on the front lines against crime in our communities and urgently need additional resources. It also means we have less money for addiction programs and reentry programs that we know work and reduce crime.

It was very important to me that many of the bill's provisions apply retroactively. That is an historic step in itself. If we are acknowledging that these sentences are too long, we must make things right for those individuals who are currently serving time but who do not pose a threat to public safety. We cannot simply shrug our shoulders or say it is too hard to make things right. We have a moral obligation to fix our mistakes. Real families are paying that cost. I look forward to moving this legislation forward after we return from the Columbus Day recess.

Unfortunately, our thoughtful, bipartisan process for considering meaningful criminal justice legislation stands in stark contrast to the utter lack of process received by the other bill that was on the mark up agenda, the Stop Sanctuary Cities Act. This partisan bill has been on our agenda for weeks and was just pulled from consideration last night. Not once during the five markups this bill was listed did we have a thoughtful discussion in Committee about its impact, and now we will not be given the chance.

Earlier this week, the Majority Leader began the process of bypassing the Committee and bringing a new version of this partisan legislation straight to the floor. Senator Cornyn, a member of this Committee, confirmed to the press that the full Senate will likely vote on the legislation after our upcoming recess. This effort undercuts the vital role of our Committee and it goes against what Senator McConnell promised last year when he said that “[b]ills should go

through Committee. And if Republicans are fortunate enough to gain the majority next year, they would.”

Immigration is a central issue to our Nation and legislation that attempts to fundamentally alter the relationship between state and local law enforcement and immigration authorities should not bypass the Committee process. We on the Judiciary Committee have extensive experience with immigration legislation and deserve the opportunity to engage in this important discussion. That is exactly what we did two years ago when, as Chairman, I led marathon markup sessions and everyone participated with numerous amendments and extensive debate. With the full participation of all 18 Senators then on the Committee, we considered 212 amendments from Democrats and Republicans, and approved 136 amendments – all but 3 of which were bipartisan. On the floor, the bill was approved on a strong bipartisan vote of 68-32. More than two years later, I am still disappointed that House Republican leaders refused to bring our comprehensive reform legislation up for a vote. Had they done so, the bill would have passed and we would have a stronger, more modern immigration system today as a result.

Twelve of the 20 Senators who currently sit on this Committee supported comprehensive immigration reform two years ago. Instead of trying to score a few cheap political points, the Republican leader and our Chairman should let this Committee do its work by taking up immigration legislation and seeking to improve it through an open and transparent process. The 320 million Americans that we represent expect us to work together to solve the most important problems facing our Nation. Rather than just political show votes on the Senate floor, we need serious leadership and real commitment.

We can do better. We owe it to the American public to do better.

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