

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
December 17, 2009

Opening Statement Of Chairman Patrick Leahy (D-Vt.),  
Senate Committee On The Judiciary,  
Executive Business Meeting

December 17, 2009

I thank the Committee for its diligence throughout the year. We demonstrated our resolve when we worked through the remaining amendments and reported the important media shield legislation last week.

We have also successfully considered and reported to the Senate the Fraud Enforcement and Recovery Act, which President Obama signed into law. We reported the important Patent Reform Act, which can help our economic recovery and lead to additional American jobs. We reported significant cybersecurity legislation, including the Personal Data Privacy and Security Act. Mindful of the end of the year deadlines, we worked together to report with bipartisan support the USA PATRIOT Act Sunset Extension Act and the Satellite Television Modernization Act. I am disappointed that House and Senate leadership were unable to reach an agreement to enact these measures. We also reported the Improving Assistance to Domestic Violence Victims Act; Public Corruption Prosecution Improvements Act; the Crime Victims Fund Preservation Act; the Performance Rights Act; and the Human Rights Enforcement Act, which has now been agreed to by the House. We reported the Railroad Antitrust Enforcement Act, the PACT Act on cigarette smuggling; and the Preserve Access to Affordable Generics Act, to end anticompetitive pay-for-delay schemes in the drug industry.

In addition we held hearings on the nominations of Justice Sotomayor and 25 circuit and district court nominees. We have reported 22 of them and have the opportunity to report another this morning. We held hearings and reported 28 high-ranking executive branch nominees including Attorney General Holder and the leaders of the Justice Department. We have also reviewed and considered 27 U.S. Attorney nominees and seven U.S. Marshals around the country. We can add to that productivity today by considering the presidential nominations on our agenda. As the end of the year is upon us, I hope that no one will ask to put over any of these nominations. That would result in at least a month's delay in their consideration.

I would like to turn today to the bipartisan Juvenile Justice and Delinquency Prevention Reauthorization Act, which has been listed as an agenda item for the Committee since November 11, five weeks ago. With only a handful of amendments filed over that time, we should be able to

consider those and complete our consideration of the bill today. I hope that Senators will cooperate. As we demonstrated last week, we can make progress when we proceed in good faith.

I appreciate the hard work of Senator Kohl, who has been a leader in this area for decades, and the support of Senators Specter, Durbin, Cardin and Franken, along with Senators Collins and Snowe. Our legislation is intended to keep children safe and out of trouble and also to protect our communities. The Senate Judiciary Committee reported this important bipartisan legislation last year. We should do so again now.

The Juvenile Justice and Delinquency Prevention Act sets out Federal policy and standards for the administration of juvenile justice. It authorizes key Federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. We also push the law forward in key ways to better serve our communities and our children. This reauthorization encourages states to move away from keeping young people in adult jails. The Centers for Disease Control and Prevention has concluded that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with similar histories who are kept in juvenile facilities. After years of pressure to send more and more young people to adult prisons, it is time to reconsider.

Benjamin Franklin noted: "A good conscience is a continual Christmas." Let us move forward in the spirit of the Christmas season. We can report these nominations to the Senate today and make progress by reporting the Juvenile Justice and Delinquency Prevention Reauthorization Act. I hope that we can proceed in the spirit of the season to make progress since this may be our last business meeting of the year.

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Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
On S. 678, The "Juvenile Justice And Delinquency Prevention Reauthorization Act"  
Executive Business Meeting  
December 17, 2009

We turn today to the bipartisan "Juvenile Justice and Delinquency Prevention Reauthorization Act," which is designed to protect our communities and particularly our most precious asset, our children. I appreciate the hard work of Senator Kohl, who has been a leader in this area of the law for decades, and the support of Senators Specter, Durbin, Cardin and Franken, along with Senators Collins and Snowe. Our legislation is intended to keep children safe and out of trouble, and also to help ensure they have the opportunity to become productive adult members of society.

The Senate Judiciary Committee reported this important bipartisan legislation last year. We should ensure that it passes into law in this Congress. The Washington Post wrote this week that this Committee should "embrace" this bill because it "institutes needed reforms" to the juvenile justice system. The New York Times wrote earlier this year that this bill "marks a welcome

departure from policies that have increasingly criminalized the nation's children" and "deserves the full support of Congress." With only a handful of amendments filed, I hope we can work through it and report this bill today.

The Juvenile Justice and Delinquency Prevention Act sets out Federal policy and standards for the administration of juvenile justice. It authorizes key Federal resources for states to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. We are recommitting ourselves to these important goals with this proposed reauthorization. We also push the law forward in key ways to better serve our communities and our children.

The basic goals of the Juvenile Justice and Delinquency Prevention Act remain the same: keeping our communities safe by reducing juvenile crime, advancing programs and policies that keep children out of the criminal justice system, and encouraging states to implement policies designed to steer those children who do enter the juvenile justice system back onto a track to become contributing members of society.

This reauthorization strengthens these goals in key ways. It encourages states to move away from keeping young people in adult jails. The Centers for Disease Control and Prevention has concluded that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with similar histories who are kept in juvenile facilities. After years of pressure to send more and more young people to adult prisons, it is time to reconsider.

We must do this with ample consideration for the fiscal constraints on states, particularly in these lean budget times, and with deference to the traditional role of states in setting their own criminal justice policy. We have done so here. But we also must work to ensure that unless strong and considered reasons dictate otherwise, children should be kept with other children, particularly before they have been convicted of any wrongdoing.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

I am disturbed that children from minority communities continue to be overrepresented in the juvenile justice system. This bill encourages states to take new steps to identify the reasons for this serious and continuing problem and to work together with the Federal Government and with local communities to find ways to start solving it.

I am also concerned that too many runaway and homeless young people are locked up for status offenses, like truancy, without having committed any crime. This reauthorization of the Juvenile Justice Act requires states to phase out the practice entirely in three years, but with a safety valve for those states that lack the resources to move quite so quickly.

As I have worked with experts on this legislation, it has become abundantly clear that mental health and drug treatment are fundamental to making real progress toward keeping juvenile

offenders from reoffending. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and 80 percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. This bill takes new and important steps to prioritize and fund mental health and drug treatment.

The bill emphasizes effective training of personnel who work in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to eliminate cruel and unnecessary treatment of juveniles. It also creates incentives for the use of programs that research and testing have shown work best.

Finally, the bill refocuses attention on prevention programs intended to keep children from ever entering the criminal justice system. In this Committee's hearings, seasoned police chiefs from Tucson, Arizona to Rutland, Vermont have told us that we cannot arrest our way out of the problem and that prevention programs are pivotal. I have listened to these law enforcement professionals, and this bill reflects their wisdom.

In working hard on past reauthorizations of this legislation, Senator Kohl and I and others on this Committee have learned the importance of balancing strong law enforcement with effective prevention programs. This reauthorization pushes forward new ways to help children move out of the criminal justice system, return to school, and become responsible, hard-working members of our communities. I hope all Senators on Committee will join us in supporting this important legislation.

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