

reforming a criminal justice system in which justice is a diminishing component.

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PRISON-SENTENCE REFORM
(By David Keene)

Some liberal judges back in the 1970s and '80s enraged the public by allowing felons back on the street with little more than a slap on the wrist. In response, Congress and many state legislatures enacted mandatory-minimum-sentencing laws that essentially eliminated the discretion judges had always enjoyed to make the punishment fit the crime. These laws were incredibly popular when first enacted but have created more problems than they've solved.

Undoubtedly, the tough-on-crime sentiment these laws reflected has advanced our welcome, two-decade decline in drug-related and violent crime. But I have come to believe that the wholesale adoption of mandatory minimum sentencing hasn't worked as well as everyone had hoped.

Like many conservatives, I supported many of these laws when they were enacted and still believe that, in some narrow situations, mandatory minimums makes sense. But like other "one-size-fits-all" solutions to complicated problems, they should be reviewed in light of how they work in practice.

Fortunately, Senators Rand Paul (R., Ky.) and Patrick Leahy (D., Vt.) have crafted a smart and modest reform bill that will fine-tune these laws to eliminate many of the unforeseen and, frankly, unfair consequences of their application when the facts demand more flexibility. This bipartisan measure deserves conservative support.

The bill, the Justice Safety Valve Act of 2013, maintains existing federal mandatory-sentencing laws. It enables judges to depart from the minimums in certain cases, however, such as when the mandatory sentence is not necessary to protect public safety and seems blatantly unfair in light of the circumstances of the offense. In so doing, their proposal fulfills the primary objective of criminal-justice policy: protecting public safety, while promoting our constitutional separation of powers and saving taxpayers the expense of unnecessary and counterproductive incarceration.

Many people, conservatives as well as liberals, have come to believe that most mandatory-minimum-sentencing laws should be repealed. These laws give prosecutors nearly unchecked power to determine sentences, even though courts are in a better position to weigh important and relevant facts, such as an offender's culpability and likelihood of reoffending.

Federal mandatory-minimum-sentencing laws are especially problematic. Not only do they transfer power from independent courts to a political executive, they also perpetuate the harmful trend of federalizing criminal activity that can be better prosecuted at the state level.

For years, conservatives have wisely argued that the only government programs, rules, and regulations we should abide are those that can withstand cost-benefit analysis. Mandatory minimum sentences, by definition, fail this basic test because they apply a one-size-fits-all sentence to low-level offenders, even though the punishments were designed for more serious criminals.

Economists who once wholeheartedly supported simple pro-prison policies now believe they have reached the point of diminishing returns. One is University of Chicago economist Steven D. Levitt, best known for the best-selling *Freakonomics*, which he co-authored with Stephen J. Dubner. Levitt recently told the *New York Times*, "In the

mid-1990s I concluded that the social benefits approximately equaled the costs of incarceration," and, today, "I think we should be shrinking the prison population by at least one-third."

In other words, the initial crackdown was a good thing, but we are now suffering the effects of too much of that good thing.

If Levitt's estimate is even close, right now we are wasting tens of billions of dollars locking people up without affecting the crime rate or enhancing public safety. In fact, spending too much on prisons skews state and federal budgetary priorities, taking funds away from things that are proven to drive crime even lower, such as increasing police presence in high-violence areas and providing drug-treatment services to addicts.

The Paul-Leahy bill will help restore needed balance to our anti-crime efforts. Repeat and violent criminals will continue to receive and serve lengthy prison sentences, but in cases involving lower-level offenders, judges will be given the flexibility to impose a shorter sentence when warranted.

The Paul-Leahy bill is a modest fix that will affect only 2 percent of all federal offenders, and even they won't be spared going to prison. They will simply receive slightly shorter sentences that are more in line with their actual offenses.

The bill will improve public safety, save taxpayers billions of dollars, and restore our constitutional separation of powers at the federal level while strengthening federalism. This is a reform conservatives should embrace.

NATIONAL JUDICIAL COLLEGE

Mr. REID. Mr. President, I rise to honor the National Judicial College. Celebrating 50 years of service and education to the Nation's judiciary, the National Judicial College has dedicated itself to the advancement of justice, not only in our Nation, but throughout the world. It is with great pleasure that I recognize the National Judicial College's distinguished history of providing education and higher learning, especially in light of its recent anniversary.

More than 50 years ago, the Joint Committee for the Effective Administration of Justices came together and realized the need for an entity to provide judicial education. By 1963, under the leadership of Supreme Court Justice Tom C. Clark, the National Judicial College opened its doors at the University of Colorado, Boulder.

After attending the first course in Boulder, Judge Thomas Craven, from Reno, NV, enthusiastically brought his experience with the college to trustees of the Max C. Fleischmann Foundation located in Reno. In 1964, with the persistence of Judge Craven and the support of the Fleischmann Foundation, the college moved to the campus of the University of Nevada, Reno, where its permanent academic home still thrives today.

As the first institution to offer programs of its nature to judges nationwide, the National Judicial College has much to celebrate at this 50 year mark. What started out as a course serving 83 judges in 1963 has become a permanent institution that provides 90 courses and

programs serving more than 3,000 judges every year from all 50 States, U.S. territories, and more than 150 countries. Since its inception, the college has awarded more than 95,000 professional judicial education certificates.

These judges come together in the college's own state-of-the-art facility on the campus of University of Nevada, Reno, comprised of 90,000 square feet including an auditorium, classrooms, model courtroom, multimedia room, computer lab, judge's resource room, and discussion areas, all of which are equipped with the latest technology.

The college serves as the one place where judges from across the world can meet to improve the delivery of justice and advance the rule of law through professional study and collegial dialogue. The college's dedicated boards, faculty, and staff deliver innovative programs and services that improve productivity, challenge perceptions of justice, and inspire judicial excellence in the field.

The impact of the National Judicial College is immense. Its unique role in educating and developing our Nation's judiciary has improved the judicial system, and will continue to do so in the future.

I commend the National Judiciary College's dedication to education, innovation, and advancement of justice, and am honored to congratulate the college for 50 years of serving our Nation's judiciary.

MCCARTHY NOMINATION

Mr. HATCH. Mr. President, I rise today to discuss my vote in opposition to the President's nomination of Gina McCarthy as the Administrator of the Environmental Protection Agency. I praise Ms. McCarthy for her extensive experience and expertise in regulating air quality at the Federal level as well as at the State level. Throughout her career she has been able to be an effective regulator under Republican Governors as well as a Democratic President. Even with the opposition she faced during the months leading up to her confirmation, it was always clear to me that Ms. McCarthy would be approved.

My "nay" vote was not against Ms. McCarthy. My vote was against President Obama's overreaching environmental policies and against the EPA. The environmental policies of this administration are clearly a war on fossil fuel and a war on Western jobs.

The President's recent announcement of a Climate Change Action Plan will be implemented by EPA and will have a direct impact on jobs and the pocketbooks of the American people. This plan targets coal-fired powerplants by proposing Federal carbon emission standards that will cost billions of dollars nationwide to implement and will raise the price of electricity for private citizens as well as businesses.