

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people, conservatives as well as liberals, have come to believe that most mandatory-minimum-sentencing laws should be repealed.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 Justice 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.

The Western United States is rich in coal, oil, and natural gas. We need to make it easier, not harder, to develop those resources. The development of the abundant and affordable energy that we are blessed with as a nation is crucial.

The effort by this administration to quell the development of these resources is unacceptable. I cannot support them and, that being the case, I am not able to support the nomination of Ms. McCarthy.

WEAPONS SALES

Mr. LEVIN Mr. President, we recently marked 1 year since the tragic shooting in Aurora, CO. One year since our nation witnessed innocent men, women, and children streaming out of a movie theater, bloodied and in shock. One year since 12 people were murdered and 58 injured at the hands of an armed and mentally deranged individual who was able to channel his illness in the most dangerous way: through the barrel of an AR-15 military-style assault weapon.

Such weapons, according to the Congressional Research Service, were designed in the aftermath of the Second World War to give soldiers a weapon suited for the modern battlefield. They are designed to kill as many people as possible, as quickly as possible. And in Aurora, the AR-15 did just that.

Since that night, all around our country, the gun violence has continued. But still, we in Congress have done nothing to stem these gun tragedies. Today, just like this day 1 year ago, a convicted felon, a domestic abuser, or a dangerously mentally ill individual can go to a private seller and legally purchase a deadly military-style weapon just as easily as they can purchase a gallon of milk, no background check required.

Take, for example, a recent undercover investigation conducted by a team of National Geographic journalists who wanted to see just how easy it is for criminals to obtain guns. What the team found was deeply unnerving. Speaking to investigative journalist Mariana van Zeller, private investigator and former police officer Jesse Torrez put it bluntly: "We should be able to get you involved in a weapons transaction within 30 minutes . . . and that's travel time, too."

He was right. The investigators decided to attempt to purchase an AK-47, a military-style assault weapon. On the weapon-selling website [*www.armslist.com*], a posting selling a similar firearm for \$830 proudly describes it, among other things, as "the standard issue firearm in the Yugoslav People's Army in 1970." But compared to the investigation's findings, that weapon would have been overpriced. In just a few minutes, the National Geographic investigators found an online posting selling an AK-47 for \$750 in cash. They agreed to meet the seller in a fast food parking lot. Under Federal law, back-

ground checks are not required for "private" gun sales, so the transaction was completed quickly and legally. The vendor even offered to add "several" AR-15 assault rifles to the sale as a sort of impulse buy, like candy in a convenience store.

Upping the ante, the investigators then searched for a .50-caliber sniper rifle, a weapon the team described as "so powerful that the U.S. military uses it to penetrate concrete and steel." Again, within minutes, they found an internet seller offering a .50-caliber rifle from a nearby garage. Without any form of background check, the National Geographic team purchased the weapon, along with 11 boxes of ammunition containing 12 rounds apiece. In the chilling words of the private seller, "You have a lot of firepower to start your own war."

Our society should not be a war zone. The purchasers in this case were undercover investigators, but next time, they might not be. They could be felons, domestic abusers, or a mentally deranged individual planning to use the weapon for harm.

We owe it to the survivors and the victims of Aurora to keep weapons designed for war off our streets. We owe it to the American people to listen to the 90 percent of them who support universal background checks on all gun sales. We owe it to our families, our neighbors, and our children to stop deadly weapons from getting into the wrong hands. We should take up and pass legislation such as the Assault Weapons Ban of 2013, which would stop the flood of military-style weapons into our neighborhoods. We should extend background checks to all gun sales by passing the Safe Communities, Safe Schools Act of 2013. We should, in short, turn common sense into law. But that will only happen if Congress acts.

TRIBUTE TO ROBERT S. MUELLER

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to Robert S. Mueller, III, and to thank him for his 12 years of service as the Director of the Federal Bureau of Investigation, FBI.

Director Mueller had just settled into his office just a week before the September 11, 2001, terrorist attacks. These attacks on the Nation affected us all, including in my home State of Maryland. In the terrible aftermath of the events of that day, we grieved together. On 9/11, we were caught unprepared, searching for answers and scrambling to find a way to prevent future attacks.

After 9/11, the FBI was charged with a heavy responsibility: disrupt terrorist plots before they happen by identifying, tracking, and dismantling terrorists on U.S. soil. During his term, Director Mueller has provided steadfast leadership, guiding the FBI as it transformed from a traditional domestic law enforcement agency into a global counterterrorism and crime-fighting force.

His guidance has helped keep Americans safe from terrorist attacks here at home and abroad. But such leadership is nothing new to Director Mueller. Before he led the FBI, he served our Nation as a decorated marine in Vietnam, and as a Federal prosecutor who tackled cases ranging from the bombing of Pan Am Flight 103 to the prosecution of Panamanian dictator Manuel Noriega.

Director Mueller has shown unwavering commitment to the FBI and its mission. He is the only Director to serve a full 10-year term, and then serve another 2 years. From day one, he has fought to make sure the hard-working men and women at the FBI have the tools they need to carry out their extraordinary responsibilities. As chairwoman of the Senate Appropriations subcommittee that funds the FBI and as a member of the Intelligence Committee, I am proud to call Director Mueller my steadfast partner in that fight. Together, we have worked to provide the FBI with the capabilities to stop terrorists before they attack us here at home, go after schemers and scammers who prey on hard-working American families, prevent cyber terrorists from devastating our technology infrastructure, and catch sexual predators who seek to harm our children.

Lastly, Director Mueller has strong integrity. He speaks truth to power, even when the truth is unpopular or inconvenient. He is a straight talker—when he tells me that the FBI needs more tools to carry out its national security and crime-fighting duties, I find a way to help him get those tools because I trust his judgment, and I trust his leadership. He answered the call to service when President Bush asked him to serve as FBI Director in 2001. And he answered the call of President Obama when asked to serve 2 more years.

We live in extraordinarily critical times, and face threats from both within and outside our Nation. But over the past 12 years we knew that having Director Mueller at the FBI meant that one of the tested "nighthawks" was guarding our Nation's national security. I speak for all Americans when I say that we have been privileged to have such a committed and dedicated public servant leading the FBI. I will miss my steadfast partner and friend and, above all, wish to send him a heartfelt thank you.

LEWISTON FIREFIGHTERS

Ms. COLLINS. Mr. President, in one terrifying week this spring, Lewiston, ME, my State's second largest city, was attacked by arsonists who destroyed nine buildings and left hundreds of people homeless. I rise today in tribute to the firefighters of Lewiston who answered those cruel attacks with skill and courage and who saved their city with no loss of life or serious injury.

We have always had a deep respect and admiration for our firefighters and