

JUDGE HINOJOSA: Good afternoon, ladies and gentlemen. My name is Ricardo Hinojosa. I happen to be the Chair of the United States Sentencing Commission.

On behalf of all the Commissioners, I would like to thank our distinguished guests and other members of the public who are present for this hearing. We appreciate very much those individuals who have agreed to come and testify before the Commission. We realize that it's an infringement on your time and your schedules, but we appreciate it very much.

As we all know, when Congress created the United States Sentencing Commission, it charged the Commission with the duty to continually review and revise the guidelines as it learned more about the effects of the guidelines through public comments and the data gathered by the Commission on sentencing across the nation. Congress also instructed the Commission to consult with noted authorities and individuals and institutional representatives of the various aspects of the federal criminal justice system.

In compliance with this mandate, the Commission has worked closely with Congress, the Department of Justice and other interested individuals, as well as representatives of the Federal Judiciary, to help guide the discussion concerning the Federal Sentencing Guidelines. After the United States Supreme Court decision in Blakely v. Washington, the Commission continues to do so.

The Commission continues to also firmly believe that the Sentencing Guidelines are constitutionally sound, and has stated so both in testimony before Congress and in the amicus brief it filed in the Booker/Fanfan cases that are presently pending before the United States Supreme Court, in which brief we recited the history of the Sentencing Reform Act of 1984, discussed Supreme Court precedent on the issue, and also indicated the differences and it pointed out the differences between the state sentencing guideline system and Blakely and the Federal Sentencing Guidelines.

Regardless of the outcome of those cases the Commission feels it is appropriate to take this opportunity to address areas of concern that may need revision, and to assure that any changes the Commission makes and/or recommendations it suggests to Congress are the product of well-reasoned and thoughtful attention. Any changes that we as a Commission consider should continue to advance the goals of uniformity, proportionality, honesty and certainty in sentencing that Congress sought to achieve when it enacted the Sentencing Reform Act.

As always--and we sincerely mean this--the Commission welcomes public debate and your input on improvements to the current system and expects that the testimony certainly will help us with regards to that, and we appreciate it. Again, I cannot state enough how much the Commission appreciates your time and willingness to come and testify before us.

We will start with a panel of judges this afternoon. We do have Judge Emmet Sullivan, who is a member of the Criminal Law Committee, as well as U.S. District Judge in the District of Columbia. We have the Honorable Patti Saris, who is the Chair of the Defender Services Committee of the Judicial Conference of the United States, and is a U.S. District Judge for the District of Massachusetts. And we also have Judge Susan Bucklew, who is the Chair of the Advisory Committee on the Rules of Criminal Procedure of the Judicial Conference of the United States, and is a U.S. District Judge in the Middle District of Florida.

Judge Sullivan, we'll start with you, sir.