

**Remarks of Circuit Judge William H. Pryor, Jr.,
Acting Chair of the United States Sentencing Commission
December 5, 2017 Public Hearing
*Fentanyl, Fentanyl Analogues, & Synthetic Cannabinoids***

Welcome to the United States Sentencing Commission's public hearing on fentanyl, fentanyl analogues, and synthetic cannabinoids. The Commission appreciates the attendance of those joining us here as well as those watching our livestream broadcast on the Commission's website. As always, we appreciate the significant public interest in the work of the Commission, particularly this year as we tackle the important and emerging issue of synthetic drugs.

I would like to start by introducing the other members of the Commission. First, I'll introduce Rachel Barkow. Commissioner Barkow is the Segal Family Professor of Regulatory Law and Policy at the New York University School of Law, and serves as the faculty director of the Center on the Administration of Criminal Law at the law school.

Judge Charles Breyer joins us by telephone today. [Judge Breyer can you hear us?] Judge Breyer is a Senior District Judge for the Northern District of California and has served as a United States District Judge since 1998.

Judge Danny Reeves is a District Court Judge for the Eastern District of Kentucky, and has served in that position since 2001.

Finally, Zachary Bolitho is the *ex officio* Commissioner from the Department of Justice. Commissioner Bolitho serves as Counsel to the Deputy Attorney General of the United States.

Before we begin the hearing, I would like to briefly update the public on some of the Commission's most recent work. Since our last public meeting on October 4th, the Commission has released two publications. On October 25th, the Commission issued a report analyzing drug mandatory minimum penalties for drug offenses in the federal system. The report provides sentencing data on offenses carrying drug mandatory minimums, the impact on the federal prison population and differences observed when analyzing each of the five main drug types. It also highlights important changes and trends in mandatory minimum sentencing since the Commission's 2011 Report.

And on November 14th, the Commission issued a report that examines the relationships between demographic factors, such as race and gender, and sentencing outcomes. This report is an update of the analysis the Commission performed for its 2012 *Booker* Report. Also, the Commission has collected and included data about violence in an offender's criminal history which was not included in our previous analysis. The Commission will release one more publication before the end of the year, which focuses on the relationship between age and recidivism rates.

The Commission has also continued its work on the emerging and urgent issue of public concern—synthetic drugs. This is our third public hearing on the general issue of synthetic drugs. We held a public hearing on synthetic drugs on April 18th, which was within weeks of the Commission regaining its quorum, and another on October 4th, which

focused on synthetic cathinones.

The issues raised by these emerging synthetic drugs are very complicated and novel in many respects, and it is essential for the Commission to provide clear and practical guidance to courts on how to properly and fairly account for them under the guidelines. For that reason, we look forward to hearing from our expert witnesses today. Today's public hearing will focus on fentanyl, fentanyl analogues, and synthetic cannabinoids. We will hear testimony from experts on the pharmacological effects of these drugs and their chemical structure, observations from the medical community, and the challenges these drugs pose to law enforcement. We look forward to a thoughtful and engaging discussion.

Closing Remarks Regarding Dr. Lou Reedt, Deputy Director, Office of Research & Data

Before we adjourn the hearing, I would like to publicly acknowledge the retirement of Dr. Lou Reedt, whose last day working at the Commission is today after 23 years of distinguished service to the Commission and to the public. Lou previously served as the Acting Director of the what had been the Commission's Office of Policy Analysis, and for the last several years as the Deputy Director of the Office of Research and Data.

It is quite fitting that Lou's last day at the Commission coincides with today's public hearing on synthetic drugs. Lou has led the staff work on every amendment to the drug guidelines—big or small, prospective or retroactive—for over two decades. The list includes amendments relating to methamphetamine, ecstasy, and steroids, but the amendments most noteworthy to the public perhaps are the 2007 Crack Minus Two amendment and its retroactivity; the Fair Sentencing Act of 2010 guideline amendment and its retroactivity; and the 2014 Drugs Minus Two amendment and its retroactivity. And, of course, most recently Lou has led our staff work on synthetic drugs leading up to today's hearing.

Lou also has been a principal staff contributor on numerous reports to Congress on drug offenses, including three reports to Congress on crack cocaine and a fourth on the impact of the Fair Sentencing Act, and one on MDMA offenses, as well as reports to Congress on broader sentencing issues such as the 2003 report on downward departures as directed by the PROTECT Act, the 2006 and 2012 reports on the impact of *United States v. Booker* on federal sentencing, and the 2011 report on mandatory minimum penalties in the federal criminal justice system.

Lou's research and data has always been thorough and accurate, and his advice to the Commission has always been thoughtful and helpful.

Lou, we are grateful for your 23 years of exceptional service to the Commission and to the public, and we now grant you compassionate release—yet another policy team that Lou led. We wish you all the best in your retirement.