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Good morning, Chairwoman Jackson Lee, Ranking Member Biggs, and Members of the Judiciary Committee:

My name is Morris Murray, and I am the Elected Prosecuting Attorney for Defiance County, Ohio. I first served as an Assistant Prosecutor beginning in 1985 before being elected to my current position which I have held now since 2009. I am a past member of the National District Attorneys Association (NDAA) Board and a past President of the Ohio Prosecuting Attorneys Association. I am also proud to add, that prior to beginning my Law Career, I served as a Police Officer for several years and I am compelled to note that my testimony today is being submitted on the heels of National Police Week. A time to recognize and salute our entire Law Enforcement Community.

During my career, I have prosecuted over 5000 felony matters at all levels of severity. Although my Jurisdiction is small, we are situated in Northwest Ohio centrally positioned within less than two hours from several larger metropolitan areas, including Detroit, Toledo and Ft Wayne. I mention this because we commonly find ourselves as a crossroad for serious criminal activity, particularly illegal drug trafficking.

As this Committee exercises its oversight role with respect to Clemency and the Pardon Attorney, I am compelled to express grave concern regarding the increasing number of serious offenders being released or anticipated to be released. We must take a serious and apolitical look at the impact on public safety, state and local law enforcement and available resources. Many of the offenders being released have committed very serious drug crimes. And the likelihood, if this policy continues, is that dangerous individuals will be put on the streets of our local communities. This policy is coming at a time when we are seeing a major spike in serious crimes, increasing and staggering numbers of drug related deaths, coupled with an effort by some to redirect law enforcement resources away from our safety-first commitment.

There is a common misconception that offenders convicted of federal drug crimes or any drug crimes for that matter, should be considered “non-violent” offenders; that they are just being imprisoned based on possession of controlled substances. But that belies reality about the vast majority of offenders convicted of drug crimes involving large quantities of substance, such as

hundreds of grams of methamphetamine, kilos of heroin or cocaine and large amounts of fentanyl. Yes, these are the types of offenders being released. Records would support and common sense indicates that many of these folks came from a deep involvement and history in the drug trafficking culture cultivated by criminal organizations. Offenders in this category do not have access to these large quantities without being very involved or very connected to the industry. Please realize that the trafficking culture I'm referring to is one where the business model commonly relies on violence and intimidation within its own ranks and compromises the safety of everyone involved. Common sense also leads to a reasonable inference, that many of these offenders will return to that culture and add to the growing emergency that has resulted from these dangerous drugs being distributed on the streets in our cities and towns, both big and small. Prosecutors understand that many returning citizens can also take actionable steps to end the cycle of crime and violence, but any clemency process should transparently lay out how each individual plans to accomplish this goal.

You would perhaps be shocked to see the volume, even in small jurisdictions like mine, of drug related matters being dealt with by Law Enforcement and Prosecutors every day. While many of these cases involve smaller amounts of drugs, like meth, heroin or fentanyl, we cannot forget where these small amounts are coming from every day. The truth is, as you surely know, there is a wide sweeping distribution process all over the country. Releasing large numbers of serious federal drug offenders will undoubtedly add to this enterprise.

It concerns me that prosecutors have little or no meaningful input on decisions allowing release. Basing a prisoner's substantial early release simply on the name of the crime or his or her participation in prison programming, overlooks reality and common sense. There is value in the certainty of punishment and the current policy and direction of this new version "clemency initiative" disregards the importance of that certainty. Even more troublesome is that by taking a less aggressive approach at the Federal level, you will be shifting the burden to state and local criminal justice authorities. That outcome is simply inevitable.

My comments are based on personal observations and experience. Many of the thousands of local DA's and prosecutors across the country are similarly situated. We work where the rubber meets the road. Not in classrooms, research offices or think tanks. We see the devastating impact the illegal drug trade is having on our local communities and on individual victims. Releasing thousands of serious offenders, particularly in the midst of violent crime trends and overdose deaths, is perhaps well meaning but clearly misguided policy.