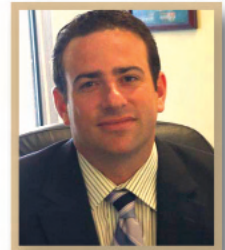


CAPITAL

Perspective

By Jason Baker, Director of Government Affairs



JASON BAKER

AFTER SEVERAL MONTHS of what you could consider a “feeling out” period for President Barack Obama and his administration with congressional leadership, it looks as if our president is beginning to push his agenda in Congress. With June living up to the hype during an extremely busy legislative session of Congress, here is a quick rundown of issues of importance currently being considered by Congress and a snapshot of what to expect in the coming weeks.

Appropriations

The House passed its version of the FY 2010 Commerce-Justice-Science (CJS) Appropriations bill on June 18, and the news was not great for America’s prosecutors. The House included \$150,000 for NDAA’s National Advocacy Center (NAC) and did not include funding for the John R. Justice (JRJ) Loan Repayment Program. While disappointing, it was encouraging to see funding for the NAC included in the bill, which will serve as a “placeholder” of sorts during conference negotiations, which is expected to begin informally during August’s summer recess. NDAA continues to work closely with Senate appropriators and leadership to secure increases to both the NAC and JRJ in its version of the bill, which is tentatively scheduled for mark-up within committee prior to the July 4 recess. Early indications are encouraging from the Senate, but we will know more by early July.

Senator Webb’s Crime Commission Bill

In March, Senator Jim Webb (D-VA) introduced S. 714, The National Criminal Justice Commission Act of 2009, which is meant to take a top-to-bottom look at all aspects of America’s criminal justice system. As written in the bill, the purpose of creating a National Criminal Justice Commission is to “undertake a comprehensive review of

the criminal justice system, make findings related to current Federal and State criminal justice policies and practices, and make reform recommendations for the President, Congress, and State governments to improve public safety, cost-effectiveness, overall prison administration, and fairness in the implementation of the Nation’s criminal justice system.” While this idea is good in theory, the “Findings” section in S. 714 is troubling to many criminal justice groups, including NDAA, because of the overall and inaccurate message it conveys: America has the highest incarceration rates in the world, prisons are too expensive to maintain and most prisoners are currently serving time due to petty, non-violent drug offenses. This bill is Senator Webb’s #1 priority during the 111th Congress, and several high-profile Senate Democrats, including Senate Majority Whip Richard Durbin (D-IL), are looking to pass this bill by the end of the year. NDAA is working closely with other criminal justice groups to address their concerns to Senator Webb and Senate Judiciary Committee members before the bill passes out of committee.

Crack Cocaine-Powder Cocaine Mandatory Minimum Sentencing Disparity

One of the major issues both the House and Senate Judiciary Committees plan on addressing this summer is the mandatory minimum sentencing disparity between powder cocaine and crack. The U.S. Sentencing Commission recently concluded that since crack and powder cocaine have no difference chemically, the current disparity ratio between powder cocaine and crack (currently at 100:1) discriminates towards minorities and inner city drug dealers who sell crack instead of powder cocaine. While NDAA testified in May on this issue before the House Judiciary Committee, several other hearings are currently being planned in both the House and Senate Judiciary Committees during July. While NDAA has not taken an

official position on this issue, NDAA would not support a 1:1 ratio change to the current mandatory minimum disparity. However, NDAA does recognize that a change needs to be made to the current sentencing guidelines and is working with Congress and other criminal justice groups to address this issue.

Hate Crime Legislation

On the heels of the recent shooting at the Holocaust Museum, the Senate Judiciary Committee has scheduled a hearing in late June on S. 909, The Matthew Shepard Hate Crimes Prevention Act. The bill, sponsored by Senator Ted Kennedy (D-MA), authorizes increased funding assistance to enforce and prosecute violent crimes and hate crimes. NDAA, which supports this bill, recently participated in a press event with Senate Majority Leader Reid (D-NV) on this bill and has been asked by the Senate Judiciary Committee to submit written testimony for the hearing.

Juvenile Sentencing Legislation

On June 9, the House Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security held a hearing on H.R. 2289, the Juvenile Justice Accountability and Improvement Act of 2009, which would require parole hearings for all juvenile offenders sentenced to life in prison without the possibility of parole every three years after they serve the first 15 years of their sentence. James P. Fox, district attorney of San Mateo County, California, and Chairman of the Board for NDAA, was asked to testify before the subcommittee on behalf of NDAA. Chairman Fox testified to the committee that NDAA opposes H.R. 2289 for several reasons, including how repeated parole hearings would affect the victims' families and how funding for Byrne-JAG Formula grants—which help fund state and local youth prevention and after-school programs—would be withheld from states who do not adopt the bill's recommendations. Chairman Fox's testimony was well-received by most committee members in attendance for the hearing and we do not see this bill passing out of committee during this legislative session.

Moving Forward

While there are other issues that come up daily of importance to NDAA, these are the issues that are receiving the most attention on Capitol Hill during the next few

months. As always, we will be sure to keep you up-to-date on all major developments. If you have any questions on any of these topics, please feel free to contact me directly: 703.519.1666 or jbaker@ndaa.org.

In closing, I'd like to take this opportunity to informally introduce myself as your new director of Government Affairs and wanted to thank you for giving me the opportunity to help NDAA achieve its legislative goals. Having worked during the past six years on behalf of groups like the National Narcotic Officers' Association's Coalition (NNOAC), the National Alliance for Model State Drug Laws (NAMSDL), the Courage to Speak Foundation and other criminal justice-related clients in my past capacity with The Charles Group, LLC, I am aware that criminal justice issues are some of the most important challenges America faces each and every day. NDAA allowing me the opportunity to help America's prosecutors influence such important issues is not only an honor for me personally but a privilege that most people do not experience. Criminal justice helps make America what it is—the greatest country in the world, free and safe for all. Thanks again for giving me this wonderful opportunity.

ATTENTION

LIBRARIANS

The National District Attorneys Association will publish four issues of *The Prosecutor* magazine in 2009 instead of our usual six. We apologize for this change but the association recently cut its budget.

We hope to resume the normal publication schedule for *The Prosecutor* magazine as soon as possible. Thank you for your patience.