



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 11, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Department of Justice (the "Department") has reviewed S. 714, the "National Criminal Justice Commission Act of 2010," as reported with an amendment on January 21, 2010. This bill would establish a National Criminal Justice Commission (the "Commission"), which, over the course of 18 months, would be responsible for conducting a comprehensive review of all aspects of the criminal justice system in the United States, at all levels of government, and making appropriate findings and recommendations.

The Department supports the bill's overall goal – to establish a process for a comprehensive, thorough review of the criminal justice system in the United States – and specifically supports the establishment of the Commission. Indeed, the Department is already currently engaged, through its Sentencing and Corrections Working Group, in studying many of these same issues. The Commission's work will thus necessarily overlap with that of the Department; the Department looks forward to coordinating closely with the Commission so that both the Commission and the Department have the benefit of each other's insights. Through such coordination, the Department believes that as it identifies reforms, action can and should be taken as quickly as practicable, even if the Commission has not yet completed its study.

The Department welcomes a broad national examination of criminal justice issues and specifically sentencing reform, corrections policy, prisoner reentry, and victims' services. While Section 5(b), providing the findings and recommendations of the Commission, does not explicitly mention these key issues, we recognize that the concepts may be implicit in the Commission's charge and look forward to the Commission's attention to them.

In addition to these general comments, the Department has one specific comment. Section 6, which specifies the Commission's membership, omits the Attorney General. As the Attorney General is the nation's chief law enforcement officer, it is critical that he, or his designee, be a member of the Commission in an ex officio

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capacity. It is further recommended that the Director of the White House Office of National Drug Control Policy or his designee be an ex officio member of the Commission as well.

We look forward to working with the Judiciary Committee on various other technical issues with the bill. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Agrast", written in a cursive style.

Mark D. Agrast
Acting Assistant Attorney General

cc: The Honorable Jeff Sessions
Ranking Member