

Sixth Floor  
1250 H Street, N.W.  
Washington, D.C.  
20005-5937  
(202) 626-3463  
FAX (202) 626-3453

Sections EventLine  
(202) 626-3455

## SECTIONS

### THE DISTRICT OF COLUMBIA BAR

TO: Board of Governors  
Steering Committee Member Designated to Receive Public  
Statements

FROM: Carol Ann Cunningham *Carol Ann*

DATE: September 5, 1997

SUBJECT: EXPEDITED PUBLIC STATEMENT sponsored by the Criminal  
Law and Individual Rights Section



Thomas N. Bulleit Jr.  
Chair, Council on Sections

Shelley G. Robinson  
Vice Chair,  
Council on Sections

Carolyn B. Lamm  
D.C. Bar President

Andrew H. Marks  
D.C. Bar President-Elect

Katherine A. Mazzaferri  
D.C. Bar Executive Director

Cynthia D. Hill  
D.C. Bar Assistant  
Executive Director,  
Programs

Carol Ann Cunningham  
Sections Manager

**48-hour Expedited Consideration Requested on behalf of the Criminal Law and Individual Rights Section urging the D. C. Truth-in-Sentencing Commission to Encourage Public Participation as it develops a proposed new Criminal Sentencing System for the District of Columbia**

Enclosed for your review is a one-page summary of a public statement prepared by the Criminal Law and Individual Rights Section. Copies of the full public statement will be provided upon request by calling the Sections Office at the phone number above. If you wish to have this matter placed on the next Board of Governors' agenda on Tuesday, October 14, please call me by 5:00 p.m. on Tuesday, September 9, 1997.

Please note that according to the Guidelines on public statements (pp. 30-39), your telephone call "must be supplemented by a written objection lodged within seven days of the oral objection."

Enclosure

cc: w/full public statement:  
Carolyn B. Lamm, Esq.  
Andrew H. Marks, Esq.  
Myles V. Lynk, Esq.  
Chauncey Fortt  
Thomas N. Bulleit, Esq.  
Shelley G. Robinson, Esq.  
Katherine A. Mazzaferri, Esq.  
Cynthia D. Hill, Esq.  
Carol Ann Cunningham

# CRIMINAL LAW AND INDIVIDUAL RIGHTS SECTION

Sixth Floor  
1250 H Street, N.W.  
Washington, D.C.  
20005-5937  
(202) 626-3463  
FAX (202) 626-3453



## The District of Columbia Bar

Eric Holder, Chair  
District of Columbia Truth-in-Sentencing Commission

Dear Mr. Holder:

On behalf of the Criminal Law and Individual Rights Section of the District of Columbia Bar,<sup>1</sup> I am writing you as chair of the newly formed District of Columbia Truth-in-Sentencing Commission.

It is difficult to overstate the importance to the criminal justice system of the Commission's mandate. Directly or indirectly, the Commission's work, and the decisions it makes, will affect a great many people who live or work in this city. The purpose of this letter is to urge the Commission, to the maximum feasible extent, to involve the people of the District of Columbia, and the local bar, in its work.

Because the Commission will be making decisions on matters of important public policy, the public should be afforded a full opportunity to participate. We hope that the Commission's meetings will be open and its deliberations public to the fullest extent practicable. We also hope that the Commission, starting early in its work, will conduct formal public hearings, and that it will give great weight to the public's views.

Especially with the suspension of D. C. home-rule, public participation should be sought out in other ways. There is a very practical reason why the Commission should avoid both the reality and the appearance that it is simply dictating adoption of a new sentencing system. As your own experience as U. S. Attorney must have demonstrated, the community needs to have a stake in the laws it is asked to enforce. It is no secret that convictions are more difficult, even when proof of guilt seems overwhelming, if jurors lack that commitment. *See* Sandra Torry, *When Jurors Choose to Ignore the Law*, THE WASHINGTON POST, F7 (Apr. 7, 1997). Adoption of a new sentencing scheme can only exacerbate this problem, if it is perceived that the process was undemocratic and that the public has been ignored.

Our Section of the Bar is vitally interested in the Commission's work, and we expect to observe and comment substantively as that work progresses. At the outset, however, we believe it is crucial that the Commission's procedures encourage as much public participation as possible, and that the Commission fully consider the public's views.

Sincerely,

William J. Mertens, Chair  
Criminal Law and Individual Rights Section

[List of Steering Committee members]

---

<sup>1</sup>The views herein are expressed on behalf of the Criminal Law and Individual Rights Section only, and not the District of Columbia Bar or its Board of Governors.

# CRIMINAL LAW AND INDIVIDUAL RIGHTS SECTION



The District of Columbia Bar

Sixth Floor  
1100 Pennsylvania Avenue, N.W.  
Washington, D.C.  
20005-5937  
(202) 626-3463  
FAX (202) 626-3453

## **Criminal Law and Individual Rights Steering Committee:**

**William J. Mertens, Chair**  
**Stevan E. Bunnell, Vice Chair**  
**Lanny A. Breuer**  
**Claudia A. Crichlow**  
**Richard D. Heideman**  
**Niki Kuckes**  
**Milton C. Lee, Jr.**  
**Sharon D. Styles**

## **Board of Governors Liaisons:**

**Myles V. Lynk**  
**Chauncey Fortt**