



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

August 23, 2007

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

Dear Mr. Chairman:

Please find enclosed responses to questions arising from the appearance of Jim Letten, US Attorney for the Eastern District of Louisiana, before the Senate Committee on the Judiciary on June 20, 2007, at the hearing entitled "Rising Violent Crime in the Aftermath of Hurricane Katrina." We hope that this information is of assistance to the Committee. Please do not hesitate to call upon us if we may be of additional assistance.

The Office of Management and Budget advises us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian A. Benczkowski".

Brian A. Benczkowski
Principal Deputy Assistant Attorney General

c.c. The Honorable Edward M. Kennedy

**Responses to follow up questions for the Honorable Jim Letten, US
Attorney for the Eastern District of Louisiana, regarding a June 20, 2007
hearing entitled "Rising Crime Rates in the Aftermath of Hurricane Katrina."**

**1. What steps are being taken in Louisiana to insure that indigent
defendants have access to defense attorneys?**

In attempting to adequately and accurately respond to the questions posed, I would respectfully suggest that perhaps the best source for information regarding state/local public defenders (i.e., the Orleans Parish Public Defenders) would be the Honorable Katherine "Kitty" Kimball,¹ Associate Justice, Louisiana Supreme Court. As the de facto Chair of our now well established and successful Southeast Louisiana Criminal Justice Recovery Task Force, Justice Kimball not only presides over the Judicial Recovery working group (which includes public defenders' offices), but herself presides over plenary sessions of the groups in which funding issues, debates, and strategies are discussed between and among the Orleans Parish Criminal District Court judges, clerks, Assistant District Attorneys, police, and, of course public defenders.

That said, I am very proud to point out that as a result of total funding last year (2006) from the Department of Justice Bureau of Justice Assistance, approximately 60 million dollars in grants was provided to numerous criminal justice agencies in Louisiana - roughly 30 million dollars of which went to various agencies and courts in the Greater New Orleans area.

Specifically, the Orleans Parish Indigent Defender's Office, during last year's BJA grant cycle, received (through the grantee, Louisiana Commission on Law Enforcement) a total of \$2,825,544. My most recent research indicates that as of July 18, 2007, \$911,620 (constituting 32%) has been expended to date as approved by the LCLE. In fact, according to Mr. Carle Jackson of the Louisiana Commission on Law Enforcement, which, as grantee, administers these funds for the State, the New Orleans Indigent Defender's Board (IDB) did not begin spending these monies until January of 2007 due to other sources of income and a desire not to cross funding streams.

Thus, the remaining unexpended funds are still available to the Public Defender's Office. I am not, however, certain as to what additional non-DOJ funding sources have been provided, or are still available.

¹Justice Kimball has indicated that she will happy to respond to any Senate questions regarding the Orleans Parish Public Defenders Office. She is available at ckimball@lasc.org or at (504) 310-2340.

2. Have any federal funds been used to provide additional federal defenders for U.S. Attorneys Offices in Louisiana, as has been done with prosecutors? Please identify what additional resources the federal government could provide to assist with this problem.

Having recently spoken with the federal public defender for the Eastern District of Louisiana, it is my understanding that to date, no additional federal funds, resources, or manpower, have been provided to augment the Federal Public Defender's Office for the Eastern District of Louisiana. While I cannot say with any certainty whether additional resources would be welcomed by that office, I do know that the attorneys assigned to that office to defend indigent federal criminal defendants have provided them with quite competent representation, and that no representation issues, problems, or crises have arisen in federal cases. To the contrary, although our United States Attorneys Office has made an effort to take on more federal criminal prosecutions against drug and violent crime offenders, the federal public defender advises that no precipitous escalation in the number of federal defendants represented by that office sufficient to cause representation problems has occurred.