

Responses to Written Questions of Senator Tom Coburn, M.D.
John Laub, Nominee to be Director of the National Institute of Justice
United States Senate Committee on the Judiciary
November 30, 2009

- 1. I noticed on the National Institute of Justice's (NIJ) website that the last annual report submitted to Congress was for fiscal year 2007. In addition, beginning with the 2006 report, the last two reports have taken 2 years to submit. It is important for Congress to be informed of the activities of all government agencies and their components to ensure efficient use of taxpayer funds. Will you commit to submitting timely annual reports to Congress and responding promptly to inquiry from this Committee?**

In my view, it is essential that the National Institute of Justice be a good steward of taxpayer funds. If I am confirmed as the Director of the National Institute of Justice, I will be committed to transparency and accountability. Prompt reporting to Congress on the activities of the National Institute of Justice will be a priority for me—whether I report in person about specific activities or via an annual report that summarizes NIJ's main activities.

- 2. Where in the NIJ's budget do you believe there is most need for streamlining and elimination of waste, fraud and abuse? Why?**

If confirmed, one of my first priorities will be to learn about all of NIJ's operations, including how budget decisions are made and how dollars are allocated. Once I have been fully briefed on NIJ's budget, I will determine if there is waste, fraud, or abuse and if so, I will put processes in place to eliminate it.

- 3. Last year, NIJ awarded more than 470 awards totaling approximately \$230 million. Similar numbers were reported for awards in prior fiscal years.**

- a. Does NIJ have procedures in place that monitor grantees for waste, fraud and abuse via grantee reporting or other mechanisms? If not, why not?**

Because I have not worked at NIJ, I am not familiar with the procedures that are in place at NIJ to monitor grantees for waste, fraud, and abuse. However, if confirmed as the Director of the National Institute of Justice, I will be committed to taking all the steps necessary to guard against waste, fraud, and abuse in order to ensure the integrity of the grant process and to protect taxpayer dollars.

- b. [If he doesn't know] Do you believe there should be some type of reporting system in place so NIJ knows whether funds are being spent according to grant rules and conditions? Why or why not?**

Yes, I believe that there should be a reporting system in place to monitor grants. If confirmed, transparency, oversight, and accountability will be among my highest priorities for NIJ. NIJ must ensure that funds are spent according to grant rules and conditions.

- c. Do you believe grantees who misuse taxpayer funds via grant awards should be restricted from future grant awards? Why or why not?**

I believe that grants should be monitored closely to ensure that funds are being spent for their intended purposes. If I am confirmed and it appears that a grantee may be misusing Federal grant dollars, I will make certain that the proper entities are notified so that a comprehensive investigation can take place. If it is determined that funds have indeed been misused, I will work with the proper OJP entities to determine the appropriate action to be taken, including that the grantee may be restricted from receiving future awards.

- 4. Each year, several NIJ grant awards are congressionally directed or earmarked. In fact, in FY 2008, 17 of the 470 awards were earmarked, which accounted for \$17.16 million of the \$230 million in grants or 7.5% of the total awards made.**

- a. What is your view of earmarks?**

One of the goals of the National Institute of Justice is to target funds based on the best available scientific research for policy and practice. Moreover, funds should be targeted based on the needs of the research and practitioner community. It is my understanding that earmarks can limit a Federal agency's ability to make grant awards based on need. However, it is up to Congress whether or not to earmark funds. If confirmed, I will ensure that earmarks at NIJ are monitored the same way all other research grants are monitored, holding them to the same standard.

- b. Do you believe that funds earmarked in accounts you manage at NIJ can and should receive the same scrutiny as funds that are competitively bid? Or are your hands tied by Congress, such that you are obligated to award them, regardless of their merit?**

It is up to Congress to determine whether or not to earmark funds. If confirmed, I will ensure that all earmarked funds are monitored and held to the same standard as other NIJ research grants.

- c. Will you commit to thoroughly vetting earmarked requests and reporting to**

Congress when your assessment shows they should not be awarded?

If confirmed, I would be happy to respond to congressional requests to review individual earmarked requests.

5. When President Obama took office, he promised to usher in a new era of transparency and accountability in our government. In fact, in a January 21, 2009 Presidential Memo, the President stated, “[m]y Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.”¹

- a. In my estimation, the federal grant-making process, which awards billions of dollars in taxpayer money each year, has the greatest need for transparency and deserves the highest level of scrutiny. If confirmed, will you commit to upholding the same level of openness that President Obama has advocated? If so, how will you promote transparency at NIJ?**

Yes, if confirmed, I will commit to the same level of openness that President Obama has advocated. One way of promoting transparency at NIJ is to ensure that the research activities that are supported by taxpayer dollars are objective, independent, and of the highest quality. If confirmed, I commit to an open and transparent federal grant-making process, as this is one of the priorities of this Administration. In order to promote transparency, I will ensure that data is regularly published concerning NIJ’s activities, including information about the awards NIJ makes and the audits and assessments conducted by the Government Accountability Office and the Office of the Inspector General.

- b. If confirmed, will you be forthcoming with this Committee when you see grant programs or practices that aren’t working the way Congress intended?**

If confirmed, I will be forthcoming with the Senate Judiciary Committee when it is determined that a grant program or practice is not working as Congress intended.

- c. If confirmed, will you also commit to promptly providing this Committee and other Senators with any requests for information related to programs falling under your jurisdiction?**

I will work to respond to any and all requests from Members of Congress to the fullest extent possible.

¹ *Transparency and Open Government*, Presidential Memorandum, January 21, 2009.

6. A large majority of NIJ grants are used for forensic science research and development, with many focused on DNA.

a. Do you believe it is appropriate to concentrate so many grants on forensic science?

While I have not worked at NIJ, I am aware that Congress has appropriated millions of dollars to reduce DNA backlogs and enhance crime lab case processing capacity in all the forensic disciplines. In general, I believe it is an appropriate use of funds to provide grants to enhance the Nation's understanding of DNA, other forensic sciences, and build the capacity of state and local crime labs to ensure their ability to help solve crimes through forensic analysis.

b. Do you believe special or greater emphasis should be placed on awarding grants for DNA versus other types of forensic science? Why or why not?

There is a need for more research on non-DNA forensic sciences to determine their accuracy, validity, and reliability when used as evidence in court. On the other hand, significant advances have been made in the area of DNA because of the generous amount of funding that has been designated for its study over the past several years. The use of DNA technology has been demonstrated to produce essentially definitive scientific results that are necessary to solve crimes. However, we must also address the needs of the other forensic science disciplines, such as latent prints and firearms identification, so that this type of evidence can be presented in court with assurance of its scientific validity.

7. You have significant experience in the area of juvenile justice, including authoring several articles on this topic. This Committee has and will in the future examine policies related to juvenile justice. According to the Congressional Research Service, however, "*administering justice to juvenile offenders has largely been the domain of the states....there is no federal juvenile justice system.*"² (emphasis added) In fact, the first major federal legislation for juveniles in 1938 left the STATE "juvenile justice systems as the preferred method for juveniles arrested for violating federal laws."³

a. Do you agree that juvenile justice systems are the domain of the states? Why or why not?

Yes, I agree that juvenile justice systems are the domain of the states.

² Nunez-Neto, Blas, Congressional Research Service, "Juvenile Justice: Legislative History and Current Legislative Issues," December 18, 2007, p. 1.

³ *Id.* at 5.

b. What is the role of NIJ in the area of juvenile justice?

Juvenile justice is a very broad area and to my knowledge NIJ has funded many studies (both research and evaluation) that fall under this broad category, most notably in the area of gang research. However, it is my understanding that OJP's Office of Juvenile Justice and Delinquency Prevention is the primary agency tasked with conducting research on juvenile justice. If I am confirmed, I commit to working closely with OJJDP to share research findings, collaborate on issues of interest to both our agencies, and offer NIJ's assistance however it may be needed.

8. You have an extensive background in academic writing and research and are considered an expert in the field of criminology. If confirmed as the Director of the National Institute of Justice, you will be required to undertake significant management responsibilities. What skills do you possess that will help you effectively manage the National Institute of Justice?

In the course of my career, I have successfully managed several research grants funded by the federal government (e.g., the National Institute of Justice and the Office of Juvenile Delinquency and Delinquency Prevention) and private foundations (e.g., the Harry Frank Guggenheim Foundation and the Russell Sage Foundation). In addition, I served as editor of the *Journal of Quantitative Criminology*, one of the top ranked journals in criminology, and I served as President of the American Society of Criminology, an international organization whose members pursue scholarly, scientific, and professional knowledge concerning crime and criminal justice issues.

These experiences have helped me to develop the necessary skills in managing people and processes and will greatly contribute to my ability to effectively manage NIJ.

9. According to your research, strong ties to the community and family have effects on juvenile delinquency and recidivism. Your theory of juvenile justice focuses mainly on preventative measures and rehabilitation rather than retribution. Will your view of the U.S. juvenile justice system affect the grant issuance and research directives of the National Institute of Justice?

a. If so how?

The research priorities of the National Institute of Justice are established by the Administration, Congress, and especially by researchers and practitioners in the field. The mission of NIJ is to advance scientific research, development, and evaluation in order to enhance the administration of justice and public safety. If confirmed, my priority will be to improve and enhance crime policy and practice by using the best scientific research that is available.

10. In your 1980 article, *Let the Water be Wet Let the Rocks be Hard: Anarchism as a Sociology of Quality of Life*, you state that:

“freedom is an active participation in a society in which all the relations of its members are based not on power but on the principle of mutual aid.”

a. You define “mutual aid” as “leav[ing] behind the world of power and...resist[ing] institutions and relationships that govern.”

b. Can you explain what you meant by this statement?

This paper was written when I was a graduate student at the State University of New York at Albany. Re-reading the paper now, over 30 years later, there is much in the paper that I disagree with. In fact, the thesis of this paper is contrary to virtually my whole academic career. I believe social science can be brought to bear on a variety of social problems, including understanding, preventing, and controlling criminal behavior. In my view, scientific data must be used to gain understanding of the problem at hand and to foster effective and efficient polices without ideology or rancor.

c. What is your view on the role of government?

The role of the federal government in criminology and criminal justice, in the broadest sense, is to support research and data collection, analysis, and dissemination in order to play a key role in designing, testing, and evaluating crime prevention and crime control strategies.

11. You state that long-term imprisonment adversely affects potential employment and employment opportunities upon release, which, in turn, increases the likelihood of recidivism. You suggest policy alternatives such as (1) parenting programs; (2) job training for disadvantaged youth; (3) job training and education in prison; and (4) community-based sentences.

a. Would you advocate for these policy alternatives in your position as Director of the National Institute of Justice?

The National Institute of Justice funds objective, independent research on issues relating to crime, the administration of justice, and public safety. If I am confirmed as Director of the National Institute of Justice, I do not see the role of the Director as an advocate for specific policy goals. As the leader of a research organization, the Director’s goal should be for the National Institute of Justice to be the leader in generating the best scientific research on crime, the administration of justice, and public safety. Moreover, this research must be useful to practitioners at the local, state, and federal levels of government.

b. If so, how would you address the critical concern of funding as well as privacy concerns, in particular, the fundamental right of childrearing?

As noted in my answer to question 11a, above, I do not see the role of the Director as an advocate for specific policy goals. Instead, the Director's goal should be for the National Institute of Justice to be the leader in generating the best scientific research on crime, the administration of justice, and public safety.

12. In the book *Contemporary Masters in Criminology*, which you edited, William Chambliss advocates the necessity to investigate and research state-organized crime to determine which types of state agencies are more prone to engaging in criminality than others. As Director of the National Institute of Justice, is this the type of research you would fund and support?

The book, *Contemporary Masters in Criminology*, is a collection of addresses and essays by the past presidents of the American Society of Criminology (ASC) that were collected and published to celebrate the 50 year anniversary of the ASC. As editors, we did not solicit or endorse any of the positions taken by the former presidents of the ASC.

The research priorities for the National Institute of Justice are established by the Administration, Congress, and especially by researchers and practitioners in the field. NIJ's mission is to advance scientific research, development, and evaluation to enhance the administration of justice and public safety. NIJ funds and supports research that provides objective, independent, evidence-based knowledge and/or tools to meet the challenges of crime and justice, particularly at the state and local levels.