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## Top White House Lawyer Pushes Obama Criminal Justice Agenda to Conservative Crowd

Executive action for immigrants came up at lawyers' convention, but wasn't focus.

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President Barack Obama's top lawyer pitched the White House's support for the reduction of nonviolent drug offenders' prison sentences to a conservative audience Thursday, emphasizing the bipartisan nature of the issue and the role of state and congressional legislation.

W. Neil Eggleston, White House counsel, praised "red" states such as Alabama, Georgia and Texas for their reforms on drug sentencing in the speech to the Federalist Society. He highlighted the savings for taxpayers these states' reforms created. He also quoted Utah Sen. Mike Lee, a tea party conservative who opened the society's conference for lawyers Thursday with his own speech, regarding the need for prisons to better rehabilitate offenders.

And Eggleston referred to sentencing reform acts in the House and Senate and introduced by bipartisan groups.

"The president and his team continue to be optimistic that members on both sides of the issue in both houses [of Congress] will continue to work together on this critical issue in the coming weeks and months and put a meaningful criminal justice bill on his desk for a signature," Eggleston said at the federalist law convention in Washington. He also reminded his audience of the president's recent commutations of dozens of prisoners' sentences.

"In their wisdom, the Framers gave the president authority to remedy individual cases of injustice by granting clemency," he said.

Eggleston's appearance coincides with a moment when courts and Republicans have heightened their criticisms of White House legal actions. Eggleston's appearance put him in the rare position of a top Democratic administration official appealing to an adversarial crowd. Yet the topic of the speech and type of audience—namely lawyers and judges—kept the political conflict low.

Eggleston's White House colleagues "all think I'm brave" for Thursday's appearance, the former Southern District of New York prosecutor and former corporate defense lawyer at Debevoise & Plimpton joked.

Earlier this week, a federal appeals court blocked the rollout of an Obama program that would allow some undocumented immigrants to stay in the country legally. The program, called Deferred Action for Parents of Americans and Lawful Permanent Residents, or DAPA, would allow undocumented immigrants with children who are U.S. citizens and who have lived in the U.S. for several years to seek work visas and stay legally for three years.

One questioner at the Federalist Society event, Ilya Shapiro of the Cato Institute, touched on the controversial program when he asked Eggleston to explain how the administration has used legal advice to decide on executive actions.

Eggleston said that in the case of DAPA, the White House asked the Office of Legal Counsel in the U.S. Department of Justice to weigh in on the program. The administration then followed that advice, which was published by Justice.

Eggleston responded to another question on the federal government's role in prohibiting drugs such as marijuana, which has been legalized for recreational and medical use in several states. Eggleston said that large-scale criminal organizations traffic drugs, so the federal government must remain involved. But judges may have more discretion in sentences for drug crimes, if the congressional legislation that the White House is pushing passes, he added.

Eggleston did not address another controversy regarding his office, despite this conference's stated focus on the role of Congress. The White House has an ongoing court tangle with House Republicans over its ability to distribute reimbursements to insurance companies for the president's health care law.

This wasn't the first appearance by a Democratic White House legal counsel at the Federalist Society's annual conference for lawyers. Bernard Nussbaum, White House counsel to President Bill Clinton, spoke on a Federalist Society panel in 2000. It was called "Is the presidency better off now than eight years ago?"