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February 4, 2005

The Honorable Tom Davis
Chair, Government Reform Committee
U.S. House of Representatives
Washington DC 20005

Dear Mr. Chairman:

On behalf of the American Bar Association, I write to thank you for holding hearings on the important subject of prisoner reentry. The American Bar Association has been a strong supporter over the years of efforts to improve correctional policies to increase the chances that prisoners, once released, will be equipped to become productive citizens and not engage in criminal activity. We would like to share with you some of our recent work in this area, and we respectfully request that this letter be included in the hearing record.

In August of 2003 the American Bar Association House of Delegates adopted a set of standards entitled Collateral Sanctions and Discretionary Disqualification of Convicted Persons. These standards, which are attached for your consideration, seek to establish a legal framework for dealing with unreasonable discrimination against convicted persons. Unbeknownst to many offenders, as a result of their convictions they are likely to be ineligible for many state or federally funded health and welfare benefits, food stamps, public housing and educational assistance. They may also be ineligible for certain employment and professional licenses. These adverse consequences of their criminal conviction are often counterproductive, frustrating reentry and rehabilitation of this population and actually encouraging recidivism.

Last August, the ABA House of Delegates adopted several recommendations of the Association's Justice Kennedy Commission. This Commission was created in response to Supreme Court Justice Anthony Kennedy's request that lawyers "concern themselves about the inadequacies--and the injustices--in our prisons and correctional systems." One of the recommendations, attached, addresses the need for programs and policies geared towards preparing prisoners for release and reentry into the community, and urges jurisdictions to identify and remove unwarranted legal barriers to reentry.

To this end, we reiterate our support for the Second Chance Act, which we understand that Representative Rob Portman (R-OH) will introduce again in the coming days. By increasing funding to states to assist in establishing or improving reentry programs and by identifying any federal barriers that may exist, the Second Chance Act would help facilitate cooperation between state and federal

governments to ensure that each released offender will have the best opportunity to live a successful, law-abiding life while making communities safer and stronger. As President Bush said in his 2004 State of the Union address, "America is the land of second chance, and when the gates of the prison open, the path should lead to a better life."

The ABA applauds your leadership on these important issues, and we urge you and your colleagues to promptly enact the Second Chance Act.

Sincerely,

Robert D. Evans

cc: Members, Government Reform Committee
(w/o attachments)

