December 12, 2018

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, DC 20510

Re: ABA Support of the First Step Act

Dear Majority Leader McConnell and Minority Leader Schumer:

On behalf of the American Bar Association (ABA), I write to thank you for your leadership in agreeing to bring the First Step Act (the Act) to the Senate floor for a vote in the remaining days of the 115th Congress. This bipartisan legislation represents several years of drafting and compromise by many lawmakers and stakeholders, and its consideration would not be possible without your support. We recognize that more work still needs to be done in the criminal justice arena, but passing the Act in the House and the Senate, and signing it into law this year, would be an important “first step” in the process.

The ABA is an organization of over 400,000 members, including prosecutors, defenders, judges, correctional officials, and others. We support passage of this legislation and recognize the achievement that it represents. We do not support several provisions and omissions of the legislation, but we believe the Act ultimately represents positive and necessary improvements to the federal criminal justice system that should be made law as soon as possible.

For example, while the ABA does not support mandatory minimum sentences, we support the expansion of the federal safety valve for mandatory minimum sentencing under the Act to allow judges the option to sentence low-level offenders to less time in appropriate cases. We support the Act’s proposal to allow prisoners who were sentenced before the Fair Sentencing Act of 2010 had reduced the 100-to-1 disparity in sentencing between crack and powder cocaine to petition the court to have their sentence reviewed considering that change. The ABA further supports the expansion of recidivism-reducing programs, “compassionate release” for the elderly and terminally ill, and the elimination of sentences of life without parole and solitary confinement for juveniles.

The ABA also supports the Second Chance Act provisions that have now been included in this bill. The Second Chance Act provides needed support for cost-effective programs in 49 states and the District of Columbia to help men, women, and juveniles successfully transition from
correctional confinement to productive members of their communities. Supported programs accomplish this through a focus on proven strategies such as housing and jobs programs.

Thank you again for your leadership in agreeing to bring the Act to the Senate floor this Congress. The ABA looks forward to working with you on passing this important legislation and on making other needed reforms in the next Congress. If you have any questions or need specific support from the ABA, please contact Ken Goldsmith in the ABA’s Governmental Affairs Office at 202-662-1789 or kenhGoldsmith@americanbar.org.

Sincerely,

Robert M. Carlson

cc: Members of the United States Senate