August 25, 2017

The Honorable Bob Goodlatte  The Honorable John Conyers, Jr.
Chairman  Ranking Member
Committee on the Judiciary  Committee on the Judiciary
United States House of Representatives  United States House of Representatives
Washington, D.C. 20515  Washington, D.C. 20515

Re:  Support for H.R. 1437, “No Money Bail Act of 2017”

Dear Chairman Goodlatte and Ranking Member Conyers:

On behalf of the American Bar Association, the largest voluntary membership organization of legal professionals in the United States, consisting of more than 400,000 members from all 50 states, the District of Columbia and other jurisdictions, I write to express support for H.R. 1437, the “No Money Bail Act of 2017.”

The ABA supports efforts to discourage the use of payment of money bail as a condition of pretrial release in criminal cases. Currently, more than 450,000 Americans are jailed while awaiting trial simply because they cannot afford money bail. State and local governments spend $14 billion dollars a year to house this portion of the jail population alone, instead of having the ability to use these tax dollars on a multitude of beneficial programs. Businesses, the economy, and families also suffer, as defendants often lose their jobs, homes, and, in some cases, the custody of their children simply because they do not have the financial resources to post bail.

ABA policy has long supported actions to limit the use of cash bail. Financial conditions should be imposed only when no other less restrictive conditions of release will reasonably ensure the defendant’s appearance in court. Just this month, the ABA unanimously adopted policy favoring the release of defendants on their own recognizance or on unsecure bond and urging federal, state, local, and tribal governments to “prohibit a judicial officer from imposing a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant’s inability to pay.” Detaining defendants simply because they cannot pay bail interferes with their ability to defend themselves and, in many instances, deprives their families of support.

We urge your Committee’s support of H.R. 1437 so we can limit the detention of poor or disadvantaged people before a court decides if they are guilty or innocent. If the ABA can provide you or your staff with any additional information, please contact Holly Cook in the ABA’s Governmental Affairs Office at (202) 662-1860 or holly.cook@americanbar.org.

Sincerely,

Thomas M. Susman