



September 25, 2024

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The Honorable Mike Johnson
Speaker of the House
H-232, The Capitol
Washington, DC 20515

The Honorable Hakeem Jeffries
House Minority Leader
H-204, The Capitol
Washington, DC 20515

Dear Speaker Johnson and Minority Leader Jeffries,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, we write to express our strong opposition to H.R. 8205, the Keeping Violent Offenders Off Our Streets Act. **The Leadership Conference will include members' votes on H.R. 8205 in our voting record for the 118th Congress.**

Each night, nearly half a million people¹ across America sit in jail not because they have been convicted of any crime, but often because they cannot afford cash bail.² In jurisdictions that use money bail, non-profit bail funds can serve as lifelines for those who cannot afford their bail. They help to level the playing field by ensuring that people from poorer communities who are detained pretrial have the same ability to pay their bail as those who are wealthier. H.R. 8205, by designating the posting of money bail as the 'business of insurance,' would impose excessive, undue burdens on these funds. It would put more money into the pockets of insurers and the corporate for-profit bail industry, and it is the latest effort to put their "competition" of community and nonprofit bail funds out of business by subjecting them to unnecessary requirements. H.R. 8205 would do nothing to curb violent crime or address the root causes of crime.³ This is simply an attempt to run community and nonprofit bail funds out of business so that poor people, often people of color and other people marginalized by society, are left without a lifeline to remain at home, at work, and in their community while awaiting trial.

¹ Sawyer, Wendy, and Wagner, Peter. "Mass Incarceration: The Whole Pie 2024." *Prison Policy Institute*. March 14, 2024. <https://www.prisonpolicy.org/reports/pie2024.html>

² Zayas Manzano, Nicole. "The High Price of Cash Bail." *American Bar Association Human Rights Magazine*. Vol. 48, No. 3. April 12, 2023.

https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic-issues-in-criminal-justice/the-high-price-of-cash-bail/.

³ Some claim that bail reform has led to an increase in crime – studies have shown that this is false. See, e.g., Craigie, Terry-Ann, and Grawert, Ames. "Bail Reform and Public Safety." *The Brennan Center*. Aug. 15, 2024. <https://www.brennancenter.org/our-work/research-reports/bail-reform-and-public-safety>.

The current system of incarcerating so many people while they are legally innocent just because they cannot afford their bail is racist, morally reprehensible, and unconstitutional. This profound injustice rips parents from families, increases people's likelihood of conviction and of committing another crime, and can result in loss of employment and housing.⁴ Racial disparities persist throughout this system: Young Black men are around 50 percent more likely to be detained pretrial than their white counterparts,⁵ and Black and Latino defendants are frequently assessed higher bail amounts than similarly situated white defendants.⁶ The Leadership Conference has long advocated for pretrial justice reform, including the elimination of the use of money bail.⁷

Rather than spending time on bills like this that do not actually help to make communities safer, the House should instead be considering bills that invest in communities and address the real drivers of crime.⁸ **We call on all members to vote NO on this bill.** If you have any questions, please feel free to contact Chloé White, senior policy counsel, justice, at white@civilrights.org.

Sincerely,



Jesselyn McCurdy
Executive Vice President of Government Affairs

⁴ See, e.g., Dobbie, Will, et al. "The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges." *American Economic Review*. Vol. 108, No. 2. 2018. <https://pubs.aeaweb.org/doi/pdf/10.1257/aer.20161503>.

⁵ "Bail Reform." *The Vera Institute*. Last accessed Sept. 25, 2024. <https://www.vera.org/ending-mass-incarceration/criminalization-racial-disparities/bail-reform>.

⁶ Arnold, David, et al. "Racial Bias in Bail Decisions." *The Quarterly Journal of Economics*. Vol. 133, No. 4. Nov. 2018. https://www.law.nyu.edu/sites/default/files/upload_documents/Yang%20paper%20DEC%206%20ADY_RacialBias.pdf.

⁷ See, e.g., Statement of Sakira Cook, Director, Justice Reform Program, at U.S. House Committee on the Judiciary Subcommittee on Crime, Terrorism, & Homeland Security Hearing On "The Administration of Bail by State and Federal Courts: A Call for Reform." Nov. 13, 2019. <https://civilrights.org/resource/statement-of-sakira-cook-director-justice-reform-program-at-u-s-house-committee-on-the-judiciary-subcommittee-on-crime-terrorism-homeland-security-hearing-on-the-administration-of-bail-b/>.

⁸ See, e.g., "Vision for Justice." *The Leadership Conference on Civil and Human Rights*. <https://www.visionforjustice.org/>.