

June 7, 2004

The Honorable Frank R. Wolf
Chairman
Subcommittee on Commerce, Justice, and State,
the Judiciary, and Related Agencies
Committee on Appropriations
H-309 United States Capitol
Washington, D.C. 20515

The Honorable José E. Serrano
Ranking Member
Subcommittee on Commerce, Justice, and State,
the Judiciary, and Related Agencies
Committee on Appropriations
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Wolf and Congressman Serrano:

Thank you for your leadership in supporting America's families by securing funding for offender reentry programs in the FY 2004 Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations (CJS) bill.

We write today to express our concern about a separate provision in the CJS bill that has interfered, for the past several years, with efforts by people in prison to plan for successful reentry. The provision bars people in prison from securing legal representation in routine civil matters from private nonprofit legal aid programs that are willing to dedicate their own private funds to this representation, but that happen to receive a portion of their funds from the Legal Services Corporation (LSC).

Removing this barrier to privately funded legal services, along with removing many other barriers to reentry that are imposed by other laws – including statutory restrictions on employment, parental rights, public benefits, housing, education, voting rights, immigration and jury service – is integral to ensuring that people leaving prison are able to return to their home neighborhoods successfully and safely.

The barrier in the CJS bill to privately funded legal services affects more than 140 independent programs across the nation. It prevents these programs from using any of their more than \$300 million in non-LSC funds to help those currently in prison to resolve the myriad civil legal problems that otherwise threaten to jeopardize their successful reentry planning.

The legal problems that these individuals need to resolve may seem small to some, but they can ultimately mean the difference between success and failure upon reentry. These problems can include: lost visitation rights; lost child custody and parental rights; ruined credit histories; and the loss of a family car or home. Left unresolved, these and similar legal problems can make it impossible for persons returning home from prison to reunite with families, successfully complete rehabilitation programs, secure good jobs, obtain affordable housing, or even qualify for vocational training and educational loans.

For example, when mothers are incarcerated, they often face enormous problems securing visitation rights with their children. They can even risk losing their parental rights altogether unless they can obtain the services of a civil legal aid lawyer. The result can be devastating for both mother and child. Studies show that continued contact with family members both during and after incarceration can increase the likelihood of rehabilitation, foster reintegration into the community, and ultimately reduce recidivism. Reliable family contact can also soften the blow to minor children when a mother is incarcerated, increasing the chances that these children will do better in school and have an easier time in foster care should they enter it.

Prison administrators and people in prison should be planning for reentry and taking steps to ensure its success long before an individual's release. Privately funded civil legal aid lawyers can play a vital role working with corrections officials and community groups to prepare people in prison for a homecoming at which they will find both their families and personal finances intact.

Once again, we greatly appreciate your leadership in securing funding for reentry programs. And, we respectfully request your support for amending the administrative provision in the FY 2005 CJS bill that bars independent legal aid programs receiving LSC funds from using their own private and other non-LSC funds to help people in prison plan for a successful reentry.

Thank you very much for your support and continued leadership on these important issues.

Sincerely,

NATIONAL ORGANIZATIONS

Volunteers of America

Prison Fellowship

National CURE (Citizens United for
Rehabilitation of Errants)

National H.I.R.E. Network

LOCAL ORGANIZATIONS

Exodus Transitional Community, Inc.
New York

Opportunities, Alternatives & Resources
(OAR) of Fairfax County, Inc.
Virginia

Forever Crowned (OutReach Ministry)
Kansas

Human Rights Watch

National Employment Law Project

Brennan Center for Justice at
NYU School of Law

Open Society Policy Center

Legal Action Center

National Law Center on Homelessness
and Poverty

INDIVIDUALS

Abbe Smith, Associate Director,
Georgetown University Law Center
Criminal Justice Clinic

James Cunningham, Outreach Worker,
DC Fatherhood Initiative

Ernest Winsor, Massachusetts Law
Reform Institute

Jacqueline D. Craig, Paralegal of the
Legal Clinics,
University of the District of Columbia,
David A. Clarke School of Law

Prisoner Information Network
Utah

Justice, Economic Dignity, and
Independence for Women
Utah

Disability Law Center
Utah

Community Family Life Services
Washington, D.C.

Gang Reduction, Awareness, Prevention &
Education, Inc. (GRAPE)
Arizona

Chicago Jobs Council
Illinois

STEPS to End Family Violence
New York

Jubilee Jobs
Washington, D.C.

Legal Services for Prisoners
with Children
California

Legal Services of Our Place, DC
Washington, D.C.

Washington Legal Clinic for the Homeless
Washington, D.C.

Bronx Public Defenders
New York

Office of the Appellate Defender, NY
New York

DC Prisoners Legal Services, Inc.
Washington, D.C.

D.C. Law Students in Court Program
Washington, D.C.