

US Senate passes bipartisan criminal justice bill

By John Burton
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On Wednesday, the United States Senate voted 87-12 in favor of watered-down legislation that will roll back a few of the most draconian provisions of the federal criminal justice system.

The “First Step Act,” short for the “Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act,” goes back to the House of Representatives, which passed a slightly stronger version last May by a vote of 360 to 59.

For his own opportunistic reasons, President Donald Trump pushed Senate Republicans to support the legislation, tweeting after the vote, “America is the greatest Country in the world and my job is to fight for ALL citizens, even those who have made mistakes.”

When it comes to locking people up, the United States does indeed stand on top of the heap. By large margins, there are more people in state and federal penitentiaries, 2.3 million, and a larger percentage of its population incarcerated than any other nation. The federal Bureau of Prisons (BOP) is the largest single prison system, incarcerating some 180,000 inmates, almost 25 percent beyond its designated capacity.

Mass incarceration is not just barbaric and cruel. It adds billions in expenses to government budgets and deprives capitalists of a significant pool of potential workers to keep downward pressure on wages. Efforts to reform the federal system, which can encourage similar reforms on the state level, have been building for years.

In a second tweet, Trump added, “In addition to everything else, billions of dollars will be saved. I look forward to signing this into law!”

Federal courts, which handle crimes such as drug trafficking, bank robbery and a variety of so-called white-collar offenses, are governed by strict sentencing guidelines that compel lengthy sentences. Offenders

entitled to maximum “good time” credits are nevertheless required to serve at least 85 percent of their sentences.

The legislation was sponsored by an unusual coalition that included the American Civil Liberties Union (ACLU), the American Conservative Union, the right-wing Koch brothers and the liberal Center for American Progress. All 12 votes against the measure were cast by Senate Republicans.

Trump made a point of marshaling celebrity support, including a much ballyhooed meeting last September with the renowned nobody Kim Kardashian, CNN commentator Van Jones and Trump’s son-in-law, Jared Kushner, who lobbied for passage.

The legislation funds job training and other programs for “low-risk” inmates, who can earn time credits that reduce their sentence, and there are new provisions for “prerelease custody” such as “halfway houses” and “home confinement.” Certain categories of “violent offenders” and some drug traffickers are excluded, however. The bill removes restrictions on contracting with faith-based contractors, and in that manner contributes to the ongoing repudiation of the First Amendment’s prohibition against government sponsorship of religion.

The legislation places limits on shackling pregnant inmates and solitary confinement for children, two provisions that should never have been necessary. Another section directs the Bureau of Prisons to incarcerate inmates in facilities close to their families when feasible.

There are three prospective changes to sentencing laws. First, mandatory minimums for some nonviolent drug offenses are reduced. The “three strikes” penalty is lowered from life in prison to 25 years, a small comfort for affected inmates and their families. Second,

federal district judges will have slightly more access to “safety valves” to avoid imposing mandatory minimum sentences. Third, “stacking” firearm possession on a sentence for another crime, like a drug offense, is limited to offenders with prior convictions.

Generally, these provisions are not retroactive and are of no use to people now in custody. A fourth sentencing provision, however, allows inmates sentenced before the 2010 reduction in the disparity between crack and powder cocaine to petition for re-sentencing. Those people have already served eight years under provisions of law recognized as discriminatory.

The changes are, as a whole, relatively minor, but that did not stop Democrats such as Cory Booker, the New Jersey senator, from calling the bill “sweeping,” “the biggest breakthrough in criminal justice in a generation,” and the like. CNN commentator Van Jones called the Senate vote a “Christmas miracle.” All of these forces heaped praise on Trump for his support.

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