**Criminal justice system reform: Trump, senators on board, so what's the holdup?**

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WASHINGTON – With just weeks left in the legislative session,President Trump and key senators are pressing Republican leadership to "seize this opportunity" to act on a long-awaited bipartisan bill that aims to reduce the number of people in the nation's crowded prisons.

An unusual coalition of Republicans and Democrats, conservative and liberals, civil rights groups,and the White Househave rallied around criminal justice reform pushing for action on the latest effort – a Senate bill called the [“First Step Act."](https://www.congress.gov/bill/115th-congress/senate-bill/3649/text?q=%7B%22search%22%3A%5B%22S.+3649%22%5D%7D&r=1)

“This is an opportunity we shouldn’t let anybody deter us from,” Sen. Chuck Grassley, Judiciary Committee chairman, said last Tuesday. “We have (a) once-in-a-generation opportunity to accomplish something on criminal justice reform. We should move on it."

But Senate Majority Leader Mitch McConnell, R-Ky.,  has yet to schedule a vote on the bill. Congressional leaders postponed most legislative action last week for the funeral of former President George H.W. Bush.

Trump then weighed in late Friday.

"Hopefully Mitch McConnell will ask for a VOTE on Criminal Justice Reform," Trump tweeted. "It is extremely popular and has strong bipartisan support. It will also help a lot of people, save taxpayer dollars, and keep our communities safe. Go for it Mitch!"

Here's what's happening with criminal justice reform efforts in Congress:

Why should you care

First, a quick look at the numbers:

* Half of all [adults in the U.S. have an immediate family member who has been incarcerated,](https://preview.usatoday.com/story/news/politics/2018/12/06/half-americans-have-family-who-have-been-jailed-new-study-shows/2206521002/)according to a new study by FWD.us, a group focusing on immigration and criminal justice reforms.
* About 1 in 38 adults were under supervision in some part of the system by the end of 2016, according to the Bureau of Justice Statistics at the Department of Justice.
* The tab for the nation's criminal justice system is $270 billion a year, the [Brennan Center for Justice reports.](https://www.brennancenter.org/sites/default/files/publications/2018_05_Agendas_CriminalJustice_pdf.pdf)
* And the 2.2 million people in prison cost taxpayers about $31,000 each a year.

Then there’s a human cost as [more people – women and men – are sent to prison,](https://www.usatoday.com/story/news/politics/2018/12/06/half-americans-have-family-who-have-been-jailed-new-study-shows/2206521002/)some of them for a long time for minor nonviolent offenses. African-Americans are disproportionately locked up.

“There’s no question that the policies that we’ve had for more than 40-plus years have devastated communities of color,'' said Vanita Gupta, president of the Leadership Conference on Civil and Human Rights. "They have resulted in the permanent locking out of communities of color from the mainstream economy and they have resulted in long-term warehousing of men and women, and in some cases children. It is high time that Congress act.”

Supporters of reform efforts said there should be more programs to reduce repeat criminals. Many times people returning from prison have a hard time finding jobs, housing and other support. That sometimes leads them to turn again to crime and the cycle repeats.

About 4 in 9 state prisoners released in 2005 were arrested at least once during their first year out, according to a May study by the Bureau of Justice Statistics.

Advocates for reform said money would be better spent on programs –such as drug treatment and vocational training– to prevent people from going to prison in the first place.

“It focuses on making prisons better," said Andrea James, executive director of the National Council for Incarcerated and Formerly Incarcerated Women and Girls. “It doesn’t focus on the front end. ... It’s not even going to begin to put the indictment on the systems – the systems of racism, the systems of income inequality."

The bill does "not address the systems that need to change so that we can stop the flow," she said.

James applauded the bill for the few thousand who would benefit from early release, but said thousands more will continue to be incarcerated. She also criticized the effectiveness of a risk assessment tool included in the bill.

“They’re painting a picture that this is great and that this needs to happen and that this is going to really address all of these other issues," she said. "It’s not."

What’s in the bill

The 103-page [First Step Act](https://www.congress.gov/bill/115th-congress/senate-bill/3649/text?q=%7B%22search%22%3A%5B%22S.+3649%22%5D%7D&r=1) includes provisions that aim to improve rehabilitation programs for former prisoners and give judges more discretion in sentencing offenders for nonviolent crime, particularly drug offenders.

The legislation would place federal prisoners closer to home – no more than 500 miles – so families could visit more often. The bill also would allow more home confinement for lower-level offenders – which supporters argue is much cheaper than housing them in prison – and expand prison employment programs so inmates could earn wages.

Those earnings could help inmates when they return home and need money for rent and other crucial items to restart their lives, supporters said.

The bill would allow for the supervised early release of some minimum or low-risk prisoners who have earned credits by participating in programs to reduce recidivism (the term for repeat offenses).

The measure also would allow inmates to request reviews of their cases retroactively under the Fair Sentencing Act of 2010, which reduced the sentencing disparity between crack and powder cocaine. That disparity has particularly hurt African-American men, who were more likely to possess crack than the more expensive cocaine, supporters have argued.

Gupta said that civil rights groups are encouraged the bill includes “meaningful” sentencing reform but that it could have more pretrial and sentencing reforms.

“It’s called First Step for a reason," she said

Derrick Johnson, president of the national NAACP,  said part of the group's effort to push reform is emphasizing the “severe tax strain” of the system, rather than just emotional arguments about what’s wrong with it, such as mass incarceration.

"We think it’s going in the right direction," he said in a recent interview with USA TODAY. "No bill is perfect. The art of politics is compromise."

What’s happening in Congress

Grassley, R-Iowa, and Sen. Dick Durbin, D-Ill., have been on a mission to rally enough support for the First Step Act.

They teamed up Tuesday to promote the bill at a panel hosted by the Washington Post Live Center.

As of Dec. 9, 34 senators had signed onto the bill, according to Grassley's office.

Durbin said there’s “solid'' support, particularly among Democrats, but with limited days left in the 115th Congress, “we’ve got to seize this opportunity."

“The deal can be closed when one senator steps up and says it’s time – that’s Sen. Mitch McConnell," he said.

Sen. Cory Booker, D-N.J., said talks are still underway.

“I think if it was put on the floor today it would get 80 plus votes," Booker said last week. “There’s a lot of good efforts going on on both sides of the aisle from the White House to the House of Representatives and obviously to the Senate to try to get this to a vote in both houses."

The effort picked up steam last month when Trump backed [a plan supported by his son-in-law and senior adviser, Jared Kushner](https://www.usatoday.com/story/opinion/2018/11/19/donald-trump-criminal-justice-reform-recidivism-jared-kushner-column/2047239002/), during a White House event, saying it would “make our safer.”

Late last month, Kushner and Vice President Mike Pence also met with GOP senators to push the bill.

Kushner spoke with Sean Hannity Monday night on the Fox News show, "Hannity," about the bill. He touted the prison programs meant to help inmates get training and treatment and return to their communities better equipped to succeed.

He was also optimistic about the bill's future.

"We're very close right now and hopefully this will get to the floor and we'll be able to have a big bipartisan celebration before Christmas," he said.

Trump touted the bill Friday at the Project Safe Neighborhoods national conference in Kansas City,  saying it could help inmates pick up skills.

"We all benefit when those who have served their time can find a job, support their families, and stay the hell out of jail,'' he said.

Despite Trump's tweet and comments on Friday, Gupta said the president could step up pressure on McConnell.

"He has said some supportive statements about this bill, but he has not been nearly as aggressive on pushing the advancement of this bill as he has on the wall,” she said.

Earlier this year, [the House passed a version of the bill sponsored by Rep. Doug Collins, R-Ga., and Rep. Hakeem Jefferies](https://www.usatoday.com/story/news/politics/2018/05/22/house-passed-criminal-justice-bill-faces-hurdles-senate/633095002/), D-N.Y., which Trump also backed.

Critics said that bill didn’t address the controversial issue of mandatory minimum sentencing.

What’s the holdup?

McConnell has said there are other pressing issues to address, including passing a farm bill, approving spending bills and voting on judicial nominations. So far, only judicial nominations are on the schedule.

"Senators are reviewing the legislation and discussing changes," to the criminal justice bill, said Don Stewart, a spokesman for McConnell.

But there is also [major opposition from some conservatives, including Republican Sen. Tom Cotton](https://www.usatoday.com/story/opinion/2018/11/15/tom-cotton-congresss-criminal-justice-reform-bill-opioids-laws-column/2003829002/)of Arkansas, who has called it a “criminal leniency” bill that would let too many "serious felons" out of prison.

“This loophole is dangerous and should be removed from the bill,” he tweeted Dec. 4. “Current safety valve already allows truly low-level, first-time offenders a break. Why do proponents want to let repeat offenders with lengthy, violent histories off the hook?”

Larry Leiser, president of the National Association of Assistant United States Attorneys, called the bill “terribly flawed’’ and said there should be more research and hearings.

“We need to sit down and study these issues not ramrod them through,'' he said.

Cotton and then-Sen. Jeff Session, R-Ala., also opposed a similar bipartisan effort in 2016. It stalled.

"It feels like history is repeating itself,'' said Inimai M. Chettiar, director of the Justice Program at the Brennan Center for Justice. “What makes me nervous is Cotton and others trying to toy with the bill and reduce its effectiveness because I don’t think Tom Cotton is going to vote for this no matter what."

Sen. Lindsey Graham, R-S.C., tweeted Friday that Trump supports attaching it to a spending bill, which must include border wall funding.

Such a move, said Chettiar, would “guarantee Democrats will drop off it.”

Meanwhile, Grassley said some judicial nominations could be pushed to next year and time set aside now to debate criminal justice reform, saying that “would be a very good trade-off."

If delayed, supporters said the new Democratic-controlled House would likely change the bill and turn off some Republicans.

Gupta said several states, including Louisiana, which has one of the highest rates of incarceration in the country, have already taken steps to address criminal justice reforms.

"In many ways, Congress is years late to this party,’’ she said.

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Question Asked:

 Speaker's Response:

 Question Asked:

 Speaker's Response:

**Did you ask 2 or more question during the presentation? \_\_\_\_\_\_ Yes \_\_\_\_\_\_ No**

\*\*\*If you asked 2 or more questions, Write down the questions you asked and the responses given and you do not need to complete the reflection questions on of this side of the worksheet. If you did not, please complete the remaining questions \*\*\*

**List AND describe two or more terms OR concepts that were discussed that you learned through the presentation and did not know beforehand?**

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 **What question(s) would you have asked if you had asked a question and/or what was said that you did not quite understand and would like to discuss.**

**When at the dinner table with your family or out with friends and you described what you learned today, in 2-3 sentences describe what you would tell them.**