

Congress of the United States
Washington, DC 20515

April 8, 2020

The Honorable Nancy Pelosi
Speaker
House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Senate Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles E. Schumer
Senate Minority Leader
United States Senate
Washington, DC 20510

Dear Speaker Pelosi, Leader McCarthy, Leader McConnell and Leader Schumer:

As we continue our work to support the American people during the coronavirus pandemic, we write to ask that any future coronavirus stimulus package contain sufficient funding to support federal, state, and local public defense.

On March 27, Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the third relief package in response to the coronavirus pandemic. The CARES Act offered an additional \$3 million for U.S. Attorneys' Offices, as compared to just \$1 million for Defender Services. This disparity in emergency funding exacerbates longstanding inequities in the funding and resources available to public defenders—disparities that make it much harder for poor defendants to receive fairness and due process. That is why Senator Kamala D. Harris and Representative Theodore E. Deutch introduced the Ensuring Quality Access to Legal Defense (EQUAL Defense) Act to support public defender systems and to give public defenders the tools they need to ensure a more effective criminal justice system.

The continued under-resourcing of our public defense systems will have dire consequences if left unaddressed. On March 28, the Federal Bureau of Prisons (BOP) reported the first death of an incarcerated individual in federal custody due to coronavirus. The decedent, Patrick Jones, was a 49-year-old African American man who had long-term, pre-existing conditions that the U.S. Centers for Disease Control and Prevention (CDC) list as risk factors for developing severe COVID-19 disease. He was housed in a low-security facility in Oakdale, Louisiana. Since Mr. Jones's death, BOP has reported that four more incarcerated individuals at the same facility have died as a result of coronavirus.

Our federal, state, and local defenders are working tirelessly to protect our incarcerated population at an exceedingly perilous time. Public defenders are on the front lines—in many cases, continuing to appear in courtrooms across the country—to keep vulnerable defendants out of overcrowded jails, and to advocate for sentencing reductions and compassionate release. It is time for Congress to support public defenders in that work, with the same urgency and dedication that we offer to prosecutors and law enforcement.

Thank you again for your attention to this matter and your continued work to respond to the ongoing public health emergency.

Sincerely,



Kamala D. Harris
U.S. Senator



Theodore E. Deutch
Member of Congress

Cosigners:

Sen. Dianne Feinstein
Sen. Amy Klobuchar
Sen. Richard Blumenthal
Sen. Mazie Hirono
Sen. Cory A. Booker
Rep. Jerrold Nadler
Rep. Karen Bass
Rep. Henry C. "Hank" Johnson
Rep. David N. Cicilline
Rep. Jamie Raskin