



January 7, 2026

Dear House Judiciary Committee Members,

On behalf of Dream.Org, we are writing in advance of tomorrow's markup on House Resolution 5213, legislation that will stop the award of Edward Byrne Memorial Justice Assistance Grants ("Byrne JAG funding") to states or units of local government that limit the use of cash bail.

We oppose this resolution for four reasons. **The first is federalism.** The use of funding to coerce state compliance threatens the very notion of separate sovereigns. Surely, Republicans would recoil at the idea of a Democratic president punishing Republican-controlled states for their local criminal justice policies. While Congress may place conditions on the use of funds or to create incentives to advance federal policy, coercion at this level violates basic federalist principles this country was founded on.¹

Elected officials in states as diverse as New Jersey and Illinois passed laws that limited the use of cash bail, and those bills have survived and thrived in those states. The federal government should restrain such impulses, because, as the late Professor Martin Diamond suggested, Federalism is a "school of...citizenship" and "a preserver of their liberties."²

The second reason we oppose this resolution is public safety. This resolution would be catastrophic for public safety. So-called "cashless bail" prevents large numbers of people from having their lives disrupted in ways that cause crime later. In fact, the amount of crime that cash bail prevents, is dwarfed by the amount of crime that cash bail creates:

"Research suggests that pretrial detention is linked to substantially higher recidivism rates post sentencing—suggesting that even if pretrial detention reduces some criminal activity during the pretrial period this is more than offset by much higher recidivism rates after individuals serve their sentences."³

In addition, the evidence suggests that cashless bail itself, in many instances, reduces crime and certainly does not increase crime. In a recent review of the evidence on bail, the Brennan Center for Justice concluded:

¹ Governing for Impact, Challenging Funding Conditions Imposed by the Executive Branch, September 2025 <https://governingforimpact.org/wp-content/uploads/2025/09/Funding-Conditions-Issue-Brief-final.pdf>

² <https://www.brookings.edu/articles/why-federalism-matters>

³ A Better Path Forward For Criminal Justice: Reimagining Pretrial and Sentencing, Brookings Institute, April 2021

<https://www.brookings.edu/articles/a-better-path-forward-for-criminal-justice-reimagining-pretrial-and-sentencing/>



“Ultimately, this report finds no statistically significant relationship between bail reform and crime rates. In other words, there is no reason to believe that bail reform has led to increased crime. This holds true even when focusing on major policy changes that have drawn public scrutiny, like those in New York and New Jersey.”⁴

Despite the existence of so-called “cashless bail” in jurisdictions across the country, over the last three years, we have seen the largest decline in violent crime in the history of crime statistics.⁵ While crime rates can certainly fluctuate, this decline has been massive and occurred across all states (including both red and blue states) and has been strengthening, not weakening.

The third reason we oppose this resolution is that cash bail lets wealth, not risk, decide who goes free – often releasing wealthy defendants who pose danger while jailing those who can’t pay. That weakens safety and justice alike. Safety-based systems allow courts to evaluate whether someone truly poses a danger or flight risk, ensuring that dangerous individuals can be held while others return home.

“Tough-on-crime” approaches of the past – mass incarceration, zero tolerance policing – devastated communities and targeted people of color without delivering safety. We know what works. Jobs, housing, healthcare, and education do more for public safety than jailing legally innocent people pretrial.

The fourth and final reason we oppose this resolution is that it is partisan in nature, and that is not the right way to approach public safety. This bill’s sponsor was once running for governor with the hope of using bail reform as a political weapon. Congress has a long and respected history of bipartisan criminal justice policymaking, including the historic First Step Act, signed by President Trump in 2018. A bill that clearly targets Democratic-run states is not a sound approach to the critical issues of public safety and addressing our criminal justice system.

Thank you for your attention, and we hope that you will oppose House Resolution 5213.

Sincerely,
Janos Marton
Chief Advocacy Officer

⁴ Research Report: Bail and Public Safety, The Brennan Center for Justice, August 15, 2024
<https://www.brennancenter.org/our-work/research-reports/bail-reform-and-public-safety>

⁵ Jeff Asher: 2025 Year in Review, A Remarkable Drop in Crime, December, 22, 2025
<https://jasher.substack.com/p/2025-year-in-review-a-remarkable>

“The number of crimes reported to law enforcement agencies almost certainly fell at a historic clip in 2025 led by the largest one-year drop in murder ever recorded — the third straight year setting a new record”



Dream.Org

Dream.Org is committed to closing prison doors and opening doors of opportunity. We center lived experience and build common ground coalitions to reform the criminal justice system at the state and federal level.