

March 6, 2013

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
224 Dirksen Senate Bldg.
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
152 Dirksen Senate Bldg.
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:

We, the undersigned sentencing and criminal justice reform advocacy groups, urge you to oppose amendments that would add mandatory minimum sentences to S. 54, S. 150, S. 374, and S. 146, the gun safety bills to be marked up by the Senate Judiciary Committee on March 7, 2013.

At this time, we are aware of two identical amendments being offered by Senator Chuck Grassley, one to amend S. 150, which would create an assault weapons ban, and the other to amend S. 374, which would require background checks of gun purchasers. The Grassley amendments would create a new, one-year mandatory minimum prison sentence for those who violate 18 U.S.C. § 924(a)(1)(A). That provision makes it a crime to knowingly make false statements or representations when applying for a license to manufacture, distribute, import, collect, or sell weapons or ammunition or when seeking to be relieved of disabilities that prohibit possessing, shipping, transporting, or receiving firearms or ammunition.

We oppose these proposed mandatory minimum sentences because they are unnecessary and could result in unintended and unforeseeable injustices – as is the case with all mandatory minimum sentences – and higher costs for taxpayers. Mandatory minimum sentencing laws can prevent courts from imposing an individualized sentence tailored to the crime and offender after taking into account relevant factors, such as culpability and role in the offense.

Current law allows courts to sentence violators of 18 U.S.C. § 924(a)(1)(A) to as much as five years in federal prison, without parole. Even with absolutely no criminal history, a person convicted under § 924(a)(1)(A) faces a guideline range of 15-21 months imprisonment, which is higher than the one-year mandatory minimum proposed by the amendments. *See* USSG § 2K2.1. As there have been no hearings or other review of sentences in this area, we have no reason to believe that the current sentencing guidelines are inappropriate or failing to achieve the purposes of punishment.

More mandatory minimum sentences would only increase the burdens on and high costs of our already overcrowded federal prison system. A recent Congressional Research Service report¹ shows that mandatory minimums are the primary driver of high prison populations and

increasing prison costs. Mandatory minimum sentences are unfair, ineffective, and result in extraordinary costs to American taxpayers.

Accordingly, as the Senate considers gun legislation this week, we strongly urge you to oppose the adoption of any mandatory minimums. Thank you for your leadership on this important issue and for considering our views. Please do not hesitate to contact any of us if you should have any questions.

Sincerely,

American Civil Liberties Union
FAMM (Families Against Mandatory Minimums)
Justice Fellowship/Prison Fellowship Ministries
The Leadership Conference On Civil and Human Rights
National Advocacy Center of the Sisters of the Good Shepherd
The National African American Drug Policy Coalition, Inc.
National Association of Criminal Defense Lawyers
NETWORK, A National Catholic Social Justice Lobby
The Sentencing Project
United Methodist Church, General Board of Church and Society

¹ CONGRESSIONAL RESEARCH SERVICE, THE FEDERAL PRISON POPULATION BUILDUP: OVERVIEW, POLICY CHANGES, ISSUES, AND OPTIONS (Jan. 22, 2013), *available at* <http://www.fas.org/sgp/crs/mis>.

cc:	Senator Dianne Feinstein	Senator Orrin Hatch
	Senator Chuck Schumer	Senator Jeff Sessions
	Senator Richard Durbin	Senator Lindsey Graham
	Senator Sheldon Whitehouse	Senator John Cornyn
	Senator Amy Klobuchar	Senator Michael S. Lee
	Senator Al Franken	Senator Ted Cruz
	Senator Christopher A. Coons	Senator Jeff Flake
	Senator Richard Blumenthal	Senator Mazie Hirono