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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

May 21 1986

William W. Wilkins, Jr.
Chairman, U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, D.C. 20004

Dear Chairman Wilkins:

On April 15, 1986, the National Rifle Association's Institute for Legislative Action testified on the topic of "offense seriousness." Please accept this letter as an addition to the record of the proceedings of this Commission.

From May 11 to May 14, The Washington Post ran a series of articles that examined Washington, D.C.'s three-year old mandatory sentencing law for drug offenders and criminals who used firearms during the commission of their crimes. The message contained in the article was highly disturbing, and serves to substantiate some of the charges we made during testimony in front of the Commission.

The following quotes are representative of the article as a whole.

- * " 'Swift and certain punishment, other than getting a boot on your car, does not exist,' said Officer Dan Wagner of the 3rd District vice squad." (Cases involving drug offenders take almost a year to resolve, according to the Post series.)
- * "Not all judges are as determined as (Judge Bruce) Beaudin. But collectively they have defused the legislation's intent, aided by seasoned court employees such as (Bill) Erhardt who in the past three years have combed the law books looking for every possible way around the sentencing law."
- * "Like Beaudin, many judges contend that community residents who approve laws like the mandatory sentencing measure simply don't understand what a judge does or what the track record for Superior Court judges has been."
- * " 'I understand the community's concern and why they passed the law. But I think it comes from not really knowing what's going on down here,' said Superior Court Judge Nan R. Hughes."

Judges are not the only culprits responsible for circumventing the will of the electorate.

- * "Prosecutors estimated that the gun law is applied in about 150 indictments a year, and in most the sentencing requirement is eliminated through plea bargaining."

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* "Despite voters' passage of a mandatory sentencing law for drug offenders in 1982, plea bargaining that often circumvents the new law remains the primary method of moving cases through the system."

* "... Fridie's court-appointed attorney and a fast-talking fixture of the city's courts was ... working out a deal ... In exchange, prosecutors agreed to withhold papers informing the court of his previous drug conviction."

* "One prosecutor, who insisted on anonymity, said, 'A lot of times I felt like I was going behind the voters' backs.'"

The mandatory sentencing provisions were approved in a voters' initiative by almost a three to one margin. Washington, D.C., residents certainly did know what was "going on down here" when they voted to keep drug offenders and violent criminals off the streets and out of their neighborhoods.

Thank you once again for this opportunity to express our views.

Sincerely,

A handwritten signature in dark ink, appearing to read "David W. Conover". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David W. Conover
Researcher/Writer
Information & Member Services



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