

UNITED STATES SENTENCING COMMISSION  
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April 2, 2003

The Honorable Orrin Hatch  
Chairman  
Senate Committee on the Judiciary  
United States Senate  
104 Hart Office Building  
Washington, DC 20510

The Honorable Patrick Leahy  
Ranking Member  
Senate Committee on the Judiciary  
United States Senate  
SD-224 Dirksen Office Building  
Washington, DC 20510

**SUBJECT:** S. 151/H.R. 1104, the "Child Abduction Prevention Act"

Dear Senator Hatch and Senator Leahy:

Collectively, we have held the office of Chair of the United States Sentencing Commission since its inception over eighteen years ago. Appointed as Chair of the Commission by Presidents from both parties, we also serve as federal judges. We write to highlight the concerns expressed in the attached letter from the members of the current Commission about sentencing reform provisions proposed in S. 151/H.R. 1104, the "Child Abduction Prevention Act".

The sentencing provisions contained in S. 151/H.R. 1104 are far reaching and effectively rewrite significant portions of the Sentencing Reform Act of 1984, the enabling legislation that created the Commission and the sentencing guideline system. No hearing has been held on a number of significant provisions in the current legislation. Congress enacted the Sentencing Reform Act of 1984 only after considerable study and public debate. The sweeping provisions proposed by S. 151/H.R. 1104, however, have not been exposed to the same type of examination and debate.

We share concerns that have given rise to this legislation, particularly the use of non-substantial assistance departures. The Commission is responding to these concerns by studying departure trends to inform the debate on this issue. We believe that Congress would be better informed on the merits of the proposal in S. 151/H.R. 1104 following a report by the Commission based upon the comprehensive sentencing data maintained by the Commission and as envisioned by the Sentencing Reform Act of 1984.

Your consideration of these concerns is appreciated.

Sincerely,

*Diana E. Murphy*

*Richard P. Conaboy*

*William W. Wilkins*

Judge Diana E. Murphy  
U.S. Court of Appeals  
for the Eighth Circuit

Judge Richard P. Conaboy  
U.S. District Court for  
the Middle District of PA

Chief Judge William W. Wilkins  
U.S. Court of Appeals  
for the Fourth Circuit

Chair since Nov. 1999

Chair 1994 - 1998

Chair 1985 - 1994

Attachment

cc: All Senate Judiciary Committee Members