

February 9, 2005

The Honorable Howard Coble
Chairman
Subcommittee on Crime, Terrorism and
Homeland Security
Committee on the Judiciary
U. S. House of Representatives
Washington, D.C. 20515

The Honorable Robert Scott
Ranking Member of the Subcommittee
Subcommittee on Crime, Terrorism and
Homeland Security
Committee on the Judiciary
U. S. House of Representatives
Washington, D.C. 20515

Re: Subcommittee Hearing on "The Implications of the Booker/Fanfan Decisions for the Federal Sentencing Guidelines" Scheduled for February 10, 2005

Dear Mr. Chairman and Mr. Scott:

The undersigned organizations strongly support the efforts of Congress, the Department of Justice, and the Courts to maintain a justice system that protects public safety, encourages fair competition in the marketplace, and adheres to our country's constitutional principles.

However, we ask that Congress consider two key issues as it turns its attention to the Federal Sentencing Guidelines in view of the decisions in *United States v. Booker* and *Fanfan* (issued on January 12, 2005), which keep the Guidelines in place on an advisory basis.

First, while the full ramifications of the decision and the scope of any legislative response to reform sentencing as a whole remain uncertain, it seems clear to us that the Supreme Court's decision poses no immediate danger of disarray and, to the contrary, will provide us the opportunity to reflect on how we can best fulfill criminal sentencing's twin goals of consistency and justice. We respectfully recommend that the present situation calls for caution and deliberation.

Second, the federal criminal laws exert substantial influence over the nation's economy and the conduct of U.S. commerce. Before you begin any effort to legislate in this area, we strongly urge you to take the time and steps necessary to gather data from the business community regarding the current sentencing system, as well as expert input from a wide range of sources, including business, regarding the likely impact of any new proposal.

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We look forward to providing the views of business as you turn your attention to this complex issue.

Sincerely,

Stanton D. Anderson
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cc: Members of the House and Senate Judiciary Committees

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