

April 2, 2015

Honorable Mac Thornberry
Chairman, U.S. House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

Honorable Adam Smith
Ranking Member, U.S. House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

**Request to Cosponsor and Schedule a Hearing on the
Stop Militarizing Law Enforcement Act (H.R. 1232)**

Dear Chairman Thornberry and Ranking Member Smith:

The undersigned 26 national criminal justice, civil rights, human rights, individual liberty, faith-based, and immigrants' rights organizations are writing in support of H.R. 1232, the Stop Militarizing Law Enforcement Act. We encourage you to cosponsor and schedule a hearing on this bipartisan legislation that would significantly reform the Department of Defense (DOD) 1033 program that provides military weapons and equipment to state and local law enforcement agencies (LEAs) at no cost.

Since the 1990s, the 1033 program has provided more than \$5 billion worth of surplus military weapons and equipment to over 8,000 LEAs in all 50 states and U.S. territories.¹ The majority of DOD property transferred under 1033 includes equipment like building materials, toiletries, and other mundane items DOD categorizes as "un-controlled." However, thousands of military-grade weapons and vehicles or "controlled" items are also given to LEAs. Controlled items include the more than 600 mine-resistant, ambush-protected vehicles (MRAPs) and 79,000 assault rifles that have been transferred to LEAs nationwide.² There are currently 460,000 pieces of controlled military weapons and equipment in the hands of state and local police.³

Militarized policing was put in the national spotlight last summer after an officer's fatal shooting of Michael Brown in Ferguson, Missouri. Citizens protesting the shooting were met with "armored vehicles, noise-based crowd-control devices, shotguns, M4 rifles like those used by forces in Iraq and Afghanistan, rubber-coated pellets and tear gas."⁴ The line between law enforcement and military was blurred and

¹ Defense Logistics Agency, Disposition Services, *The 1033 Program, Frequently Asked Questions*, available at <http://www.dispositionservices.dla.mil/leso/Pages/1033ProgramFAQs.aspx#q4> (last visited Mar. 12, 2014).

² David Eads, Tyler Fisher, Jessica Pupovac & Arezou Rezvani, *MRAPs and bayonets: what we know about the Pentagon's 1033 program*, NPR, Sept. 2, 2014, <http://www.npr.org/2014/09/02/342494225/mraps-and-bayonets-what-we-know-about-the-pentagons-1033-program>.

³ Executive Office of the President, *Review: Federal Support for Local Law Enforcement Equipment Acquisition*, December 1, 2014, p. 3, available at http://www.whitehouse.gov/sites/default/files/docs/federal_support_for_local_law_enforcement_equipment_acquisition.pdf.

⁴ David Nakamura & Niraj Chokshi, *Obama orders review of military equipment supplied to police*, Wash. Post, Aug. 23, 2014, http://www.washingtonpost.com/politics/obama-orders-review-of-military-equipment-supplied-to-police/2014/08/23/6316b8aa-2b03-11e4-8593-da634b334390_story.html.

the 1033 program may have been partially responsible. St. Louis County, where Ferguson resides, received rifles, pistols, night vision goggles, and an explosive ordinance disposal robot from the program.⁵

The concerns with militarized policing and the 1033 program go well beyond Ferguson, Missouri.⁶ Throughout the country, police are using military weapons and tactics to serve search warrants for low level drug offenses. In these instances, flashbang grenades are routinely used and have caused death and serious injury.⁷ Police departments of all sizes are also participating in the 1033 program. One Illinois town with a population of 6,700 has 10 helicopters, one MRAP, two Humvees, and other equipment worth \$6.5 million.⁸ These examples put into question the appropriate use of 1033 equipment in daily policing. Moreover, the fact that one-third of the transferred equipment is new, further highlights the need for increased government oversight of this program.⁹

In response to these concerns, the Stop Militarizing Law Enforcement Act would do three things:

1. Prohibit the transfer of military weapons and equipment that are inappropriate for local policing. Prohibited items include grenades, mine-resistant ambush-protected vehicles (MRAPs), armored or weaponized drones, combat configured aircraft, silencers, and long range acoustic devices (LRADs). This bill would also prohibit the future transfer of items that are currently banned from the 1033 program.¹⁰
2. Eliminate incentives for the inappropriate use of military weapons and equipment. LEAs would be required to have training and give community notice before participating in the 1033 program. LEAs would also have to indicate how they plan to use 1033 property.
3. Require much needed oversight and transparency of the 1033 program. Annual reporting from the Department of Defense to Congress would be required. All controlled equipment transferred must be accounted for and DOD must make details of 1033 transfers publicly available.

The 1033 program is in need of comprehensive reform and we thank you for your work on this issue. We encourage you and other Members of Congress to cosponsor this important legislation. If you have any questions, please contact Kanya Bennett with the American Civil Liberties Union (ACLU) (kbennett@aclu.org) or Elizabeth Beavers with the Friends Committee on National Legislation (FCNL) (Elizabeth@fcnl.org).

⁵ Taylor Wofford, *How America's police became an army*, NEWSWEEK, Aug. 13, 2014, <http://www.newsweek.com/how-americas-police-became-army-1033-program-264537>.

⁶ See ACLU, *War Comes Home: The Excessive Militarization of American Policing*, June 2014, available at <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>.

⁷ Julia Angwin & Abbie Nehring, *Hotter than lava*, PROPUBLICA, Jan. 12, 2015, <https://www.propublica.org/article/flashbangs>.

⁸ Gabriel Dance, Tom Meagher & Shawn Musgrave, *The Pentagon finally details its weapons-for cops giveaway*, THE MARSHALL PROJECT, Dec. 3, 2014, <https://www.themarshallproject.org/2014/12/03/the-pentagon-finally-details-its-weapons-for-cops-giveaway>.

⁹ Tim Devaney, *Senators blast DOD program that 'militarized police'*, THE HILL, Sept. 9, 2014, <http://thehill.com/regulation/217136-senators-blast-dod-program-to-militarize-police>.

¹⁰ As this legislation advances in Congress, the list of prohibited transfers could be expanded to include bayonets, combat knives, and other offensive equipment.

Sincerely,

American Civil Liberties Union
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
Americans for Immigrant Justice
American Friends Service Committee
Amnesty International USA
Bill of Rights Defense Committee
Border Network for Human Rights
Center for Community Change in Action
Community to Community Development – C2C
The Constitution Project
Detention Watch Network
Drug Policy Alliance
FedCURE
Friends Committee on National Legislation
Justice Strategies
Lawyers' Committee for Civil Rights Under Law
The Leadership Conference on Civil and Human Rights
Massachusetts Immigrant and Refugee Advocacy Coalition
NAACP
NAACP Legal Defense and Educational Fund
National African American Drug Policy Coalition, Inc.
Pax Christi USA
Prison Policy Initiative
Sisters of Mercy of the Americas – Institute Justice Team
Southern Border Communities Coalition
Washington Office on Latin America

cc: Members of U.S. House Armed Services Committee