

United States Senate

WASHINGTON, DC 20510

June 30, 1989

The Honorable William W. Wilkins, Jr.
1331 Pennsylvanis Avenue, N.W.
Suite 1400
Washington, D.C. 20004

Dear Judge Wilkins:

I am pleased with the proposed guideline amendments regarding the possession of crack cocaine. The proposed amendment reflects the intent of Congress to get tough on crack cocaine dealers.

I am concerned about the proposed amendment regarding the Distribution of Obscene material. The proposed base levels vary from 12 to 16 for those engaged in the business of selling obscene material. A base level of 12 can be reduced to 10 upon acceptance of responsibility, which only amounts to a sentence of 6-10 months, whereas the statute provides for up to 5 years for this offense. This is very low and totally unacceptable.

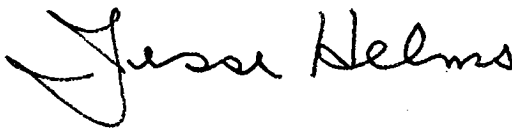
Further increases are allowed only if the value of the seized material exceeds \$2,000 -- this is very unlikely in pornography cases. It must be remembered that prosecutors only use a limited amount of the pornography in proving their case -- as little as two or three magazines or video tapes.

Another problem is that the fines are tied to the base levels. A person charged with distributing obscene material who gets a base level of 10, faces as little as a \$2,000 fine!

I strongly urge you to consider higher base levels, at least a base level of 16, so that perpetrators of these crimes will receive tough sentences, not slaps on the wrist.

Kindest regards.

Sincerely,



JESSE HELMS:sjc