

UNITED STATES SENTENCING COMMISSION
1331 PENNSYLVANIA AVENUE, NW
SUITE 1400
WASHINGTON, D.C. 20004
(202) 626-8500
FAX (202) 662-7631

William W. Wilkins, Jr. Chairman
Julie E. Carnes
Helen G. Corrothers
Michael S. Gelacak
George E. MacKinnon
A. David Mazzone
Ilene H. Nagel
Benjamin F. Baer (ex officio)
Paul L. Maloney (ex officio)



September 7, 1990

Honorable Peter Beer
United States District Court
500 CAMP ST RM C-322
New Orleans, LA 70130-3316

Dear Judge Beer : *Pete*

This November will mark three years since the new system of guideline sentencing took effect. During this time, compliance has held steady, with the latest nationwide figures showing judges imposing guideline sentences in 82.0 percent of the cases, departing downward upon government motions for substantial assistance to authorities in 5.8 percent, departing downward for other reasons in another 8.7 percent, and departing upward in 3.5 percent. Significantly, the rate at which defendants plead guilty has remained essentially unchanged under the guidelines when compared with pre-guideline sentencing practices.

Nonetheless, while the Commission has achieved its initial goal of drafting and implementing workable guidelines, we need your assistance as we continue a methodical review to improve this new sentencing system. Our past efforts to improve the guidelines have significantly benefitted from judges who apply and interpret the guidelines on a regular basis. In this spirit, the Commission again solicits your advice.

The Commission requests that you give us the benefit of your thoughts on the top three guideline sections or policy statements you believe need review, amendment, or clarification (e.g., increase or reduce an offense level, add a specific offense characteristic, clarify language). Importantly, we urge that this be followed by the specific language you would offer for the amendment to help the Commission focus on those priority areas you have identified.

Please send your comments to the United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W., Suite 1400, Washington, D.C. 20004, Attention: Communications Director. If you have questions, please contact Paul Martin, Communications Director, or John Steer, General Counsel, at (202) 626-8500.

*Dear Billy -
I just want to
say that you've done
a wonderful job -
often under
tough
circumstance
and I'm
proud of
your
staff
and of
you!
As ever,
Pete*

Judge Beer
September 7, 1990
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The Commission plans to take a measured approach when amending the guidelines. Working groups have already been formed to focus on specific guideline application issues, such as departures, acceptance of responsibility, and criminal history. A notice soliciting comment and suggestions was published in the July 24, 1990, Federal Register and outreach is underway to the private bar and other interested groups. Additionally, the Commission continues to work closely with federal defenders, the Department of Justice, the federal probation system, and representatives of the Commission's Practitioners Advisory Group of defense attorneys.

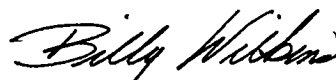
You may also be interested to know that the Commission recently unanimously voted to urge Congress not to enact additional mandatory minimum sentences, arguing that this legislative approach is unnecessary and inconsistent with a guideline sentencing system. Appended for your information is a copy of the Commission's letter sent to the Senate and House Judiciary Committees.

Finally, within the next few months the Commission will forward to you policy statements pertaining to revocation of probation and supervised release. The Commission elected to issue non-binding policy statements at this time in order to have the benefit of your experience before issuing guidelines.

Thank you for helping to improve the sentencing guidelines. As always, please contact the Commission if we can be of assistance to you.

With highest personal regards, I am

Sincerely,


William W. Wilkins, Jr.
Chairman

Enclosure