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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS
U.S. POST OFFICE & COURT HOUSE
P.O. BOX 3684
LITTLE ROCK, ARKANSAS 72203

G. THOMAS EISELE
CHIEF JUDGE

October 9, 1990

Honorable William W. Wilkins, Jr.
Chairman, U. S. Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, D.C. 20004

Dear Billy:

Thank you for your letter of September 12, 1990, seeking my thoughts on certain guideline sections. I respectfully decline to be drawn into such an enterprise.

It is my personal view that the sentencing guidelines law has been a total disaster. It is also my view that Congress should do away with the mandatory, mechanical system and, in fact, establish sentencing guidelines more or less in accordance with the views expressed by the Federal Courts Study Committee. (My disagreement with the Federal Courts Study Committee is that it chose to go along with the Attorney General and a few members of the Commission in advocating further "study.") I would hope that the self interest in the new bureaucracy which you head would not prevent an objective evaluation of the actual operation of the present system by truly independent outside experts. I am confident that such a study would reveal that the objectives of the law are not being achieved, that there is more disparity in sentences than under the old system, and that the rights of the inhabitants of this land are being trivialized by this inhuman system.¹ At some point, we should transfer the sentencing power back to independent judges, albeit in

¹ This is not to suggest that I believe the present system results in longer and more severe sentences than were imposed under the old system or than would be imposed under a true guidelines system. It does in some cases but in others it results in much milder sentences. It is simply idiosyncratic with the results being primarily dictated by the Executive Branch acting through the prosecutors. The true merits of the case, as often or not, have little to do with the ultimate sentence. And, of course, the due process abuses should be apparent to anyone schooled in our American jurisprudence.

keeping with true sentencing policy guidelines established by the Congress and with sentences being subject to appellate review.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Tom", followed by a horizontal line.

G. Thomas Eisele