

John S. Wryn
Reg. # 03150-046
P.O. Box 5000
Sheridan, Oregon 97378

Dear Mr. Benjamin F. Baer,

It is my understanding that Congress created mechanisms for evaluating the U.S. Sentencing Commission's work. A requirement for the Sentencing Commission is that they report to Congress of thier efforts.

I do not know if you are aware of the lengthy sentences people that are convicted of LSD offences are receiving for the weights of carriermediums included in determining the length of incarceration a person shall receive.

Inclosed please find a typed letter that has been reviewed by various Senators and State Representatives.

Sincerely Yours,

John S. Wryn

JOHN S. WRYN
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SHERIDAN, OREGON 97378

DEAR REPRESENTATIVE,

I AM INCARCERATED IN SHERIDAN FCI, SHERIDAN, OREGON. I HAVE BEEN CONVICTED IN THE DISTRICT COURT FOR MONTANA TO SERVE TWO 20YEAR PRISON TERMS WITH 10 YEARS SUPERVISED RELEASE THEREAFTER. THE CHARGES ARE CONSPIRACY TO DISTRIBUTE LSD AND POSSESSION OF LSD. MY SENTENCES ARE TO RUN CONCURRENTLY. I AM NOT GOING TO GO INTO WHETHER OR NOT THE MANDATORY MINIMUM SENTENCES ARE JUST, AS MY MAIN CONCERN IS THE SENTENCES PEOPLE CONVICTED OF LSD CRIMES ARE RECEIVING FOR THE WEIGHTS OF CARRIORS AND MEDIUMS INCLUDED TO DETERMINE THE LENGTH OF A SENTENCE. HAD NOT BEEN FOR THE WEIGHT OF PAPER AND LIQUID INVOLVED IN MY CASE I WOULD NOT HAVE FALLEN UNDER TITLE 21 U.S.C. SECTION 841 (B)(1) (A)(V) WHICH PROVIDES THE PENALTY FOR VIOLATION OF THE OFFENCE OF POSSESSION WITH INTENT TO DISTRIBUTE 10 GRAMS OR MORE OF A MIXTURE OF SUBSTANCE CONTAINING A DETECTABLE AMOUNT OF LYSERGIC ACID DIETHYLAMIDE. NEITHER WOULD I HAVE FALLEN UNDER SUBSECTION (B)(V) OF SECTION 841(B)(1) WHICH REDUCES THE SENTENCE BY 1/2 IN CASES INVOLVING 1 GRAM OR MORE OF A MIXTURE OF A SUBSTANCE CONTAINING LSD.

THE DEA CHEMIST (MR. TUCKER FROM SANFRANSISCO) HAD DETERMINED THE INDEPENDANT WEIGHT OF THE LSD MOLECULES TO BE 574,881 MICROGRAMS, WHICH IS EQUAL TO .574881 OF A GRAM. THE GUIDELINES FOR 1/2gr. DOES NOT CALL FOR A MANDATORY MINIMUM SENTENCE. IT DOES CALL FOR A SENTENCE OF APROX. 2 1/2 TO 3 1/2 YEAR SENTENCE. ADJUSTMENT FOR THE ROLE IN THE OFFENCE CAN ADD MORE TIME TO THE SENTENCE. THIS SEEMS TO BE A FAIR AND JUST SENTENCE FOR THE CRIME. THIS CHEMIST CAN EASILY DETERMINE THE WEIGHT OF THE DRUG SEPARATE FROM THE CARRIOR, AS THE MOLECULES REMAIN DISTINCT RATHER THAN FORMING A CHEMICAL BOND WITH THE PAPER.

MY CASE INVOLVED 71.390 GRAMS WITH THE PAPER INCLUDED. THIS IS EQUAL TO 7139.000 GRAMS OF HEROIN. IT IS QUITE CLEAR THAT THE INCLUSION OF THE WEIGHT OF THE PAPER SUBSTANTIALLY INCREASED THE BASE LEVEL UNDER THE FEDERAL SENTANCING GUIDELINES. INCREASED APROX. 16 1/2 YEARS TIME TO BE SERVED IN PRISON AND 7 YEARS SUPERVISED RELEASE THEREAFTER.

BESIDES THE WEIGHT OF THE PAPER, THERE WAS ALSO THE WEIGHT OF A LIQUID SUBSTANCE TO MAKE UP THE TOTAL 71.390 GRAMS. THE LIQUIDS WEIGHT IS 3.1 MILLILITERS, EQUAL TO 3.1 GRAMS. THE CHEMIST (MR. TUCKER) TESTIFIED THAT THE LIQUID CONTAINED 53 MICROGRAMS PER MILLILITER OF LSD; 3 DOSAGES..

A PERSON CONVICTED OF 9.9 GRAMS OF CRYSTAL (PURE LSD) WOULD NOT EVEN RECEIVE THE MANDATORY MINIMUM OF 10 YEARS UNDER TITLE 21 U.S.C., SECTION 841. YET THIS PERSON COULD HAVE OVER 500 GRAMS IF IT WERE ON PAPER. IT SEEMS THAT I HAVE BEEN SENTANCED TO NEARLY THE REMAINDER OF MY LIFE FOR WEIGHT OF PAPER AND LIQUIDS RATHER THAN THE WEIGHT OF ACTUAL DRUG INVOLVED

I WAS INHANCED BY 10 YEARS FOR A PREVIOUS DRUG CONVICTION OF 9 YEARS AGO. THIS INHANCEMENT FOLLOWS UNDER THE MANDATORY MINIMUM OF TEN YEARS UNDER TITLE 21 U.S.C. SECTION 841(B)(1). THE PREVIOUS CONVICTION CONSISTED OF MINUTE RESIDUE OF AMPHETAMINE THAT WAS SCRAPED FROM A BOTTLE

THE CARRIORS AND MEDIUMS ARE NOT USED TO INCREASE THE SALEABLE AMOUNT OF THE LSD AS IN COCAINE AND HEROIN... I AM HOPING YOU CAN SEE THE UNJUSTNESS AND UNEQUALNESS OF SENTANCING PEOPLE CONVICTED FOR LSD CRIMES FOR THE WEIGHT OF THE MEDIUMS AND CARRIORS INCLUDED RATHER THAN THE ACTUAL AMOUNT OF DRUG INVOLVED.

SINCERELY YOURS,

JOHN S. WRYN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

August 13, 1991

Mr. John S. Wryn
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FCI
Sheridan, Oregon 97378

Dear Mr. Wryn:

Thank you for your letter regarding legislation addressing the material on which l.s.d. is carried and the federal sentencing system for drug-related offenses.

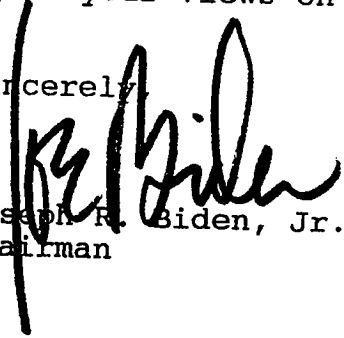
On October 29, 1990, Congress passed the Comprehensive Crime Control Act of 1990 (S.3266). This legislation was a compilation of both the House and Senate versions of the crime bill. Although it did include several drug-related provisions, no amendments were added to affect existing law pertaining to l.s.d. carrier mediums. In addition, no action was taken by the Senate on S.2649, the Drug and Alcohol Abuse Treatment and Prevention Improvement Act, which was introduced by Senator Kennedy in the 101st Congress. Currently, there is no legislation pending which addresses the issue of l.s.d. carrier mediums.

Regarding your concerns about the sentencing system for drug-related offenses, I share your belief that sentencing should reflect the particular circumstances of individual cases. At the same time, however, it is important to ensure that like cases are treated alike. I supported the Sentencing Reform Act of 1984 because I believed that the guideline system could achieve both of these goals.

When the Sentencing Reform Act was passed, Congress anticipated that the system might generate criticism from a number of perspectives. Accordingly, it created mechanisms for evaluating the U.S. Sentencing Commission's work. One of the requirements was that the Commission report to Congress on its efforts. In addition, the General Accounting Office must provide a report based on its independent evaluation of the Commission's work.

Thank you again for your sending me your views on this important topic.

Sincerely,



Joseph R. Biden, Jr.
Chairman