

United States Sentencing Commission
1331 Pennsylvania Avenue NW
Suite 1400
Washington, DC. 20004

Dear Gentlemen:

According to the National Institute of Justice, it cost taxpayers, on the average, approximately \$75.00 per bed to construct a prison, and \$60.00 per inmate, per day, to operate it.

The number of federal inmates has almost tripled to more than 59,000 since 1981, and the Bureau of Prisons estimates there will be 100,000 prisoners by 1995, mostly due to the surge in drug arrest coupled with more mandatory minimum sentences and stricter guidelines. Because of these stiff guidelines, many first time, non-violent, minimum culpability offenders are being sentenced to 10, 20 and 30 years in prison.

We, the undersigned, as taxpayers, voters and in many cases families of these prisoners, respectfully demand that these circumstances change. We do not suggest a soft hand with drug dealers, however first-time offenders must be given the opportunity for rehabilitation. Most of these people do not present a threat to society, but when deprived of their freedom and families, they are only given the opportunity to learn new crimes, become hostile, bitter and full of resentment against society. The families will be more than willing to cooperate and participate in the rehabilitation process.

We propose the following:

1. Mandatory minimum sentences must be revised and the Judges must have more flexibility when sentencing.
2. Alternatives to incarceration must be implemented, such as:
 - A. Probation
 - B. House arrest
 - C. Paying time with community service
 - D. Deportation (voluntary)
3. The percentage of time served must be lowered from the current 85% of the sentence to one-third of the sentence for the first-time, non-violent offenders.
4. Re-instate parole and time-off for good behavior, "Extra Good Time", etc.
5. Restore Good-Time for inmates who work in the Institution, 5 days per month.
6. Elderly and sick inmates should be in House Arrest.

The obvious benefits of these alternatives are that the taxpayers money will be saved and the first-time, non-violent offenders will have a chance at rehabilitation. Building more prisons will neither solve nor alleviate the problem. It is our duty to strive to be a regenerative and not a punitive society. We urge our lawmakers to investigate and to enact legislation that will better serve everyone.

According, to Federal Judge Vincent L. Broderick," panel weighs non-prison punishment, particularly for first offenders, in the Miami Herald on Dec. 1990.

According to Ann Landers, columnist from the Miami Herald " Prisons aren't the best route to rehabilitate " January 1991. Also Steve Halpren, in an article recommended house arrest monitors for first time offenders, in the Miami Herald on Dec. 1990

Sentence guidelines raise fears that swelling prison population may lead to violence, U.S. District Judge William Scharzer said, in an article by R. Robin McDonald from Fort Worth Star Telegram.

According to Michael J. Sniffen, columnist from the associated press " criminal justice is in a jam as feds run out of jail cells, and inmates are doing their time inside marshals vans driving on USA highways.

The Criminal Law Reporter on Feb.1991: Judges went below the minimum mandatory for drug "mules". The goverment filed a motion to reconsider the sentence, the motion was denied. Give judges more power and investigate in the Criminal Law Reporter for the number of the cases that are similar.

Do you have any family member or friend in prison, YES ☒ NO ☐

Any Comment: _____

Name:

Maribel Sanchez

Address:

561 S.W 122 A.V Miami, Fla 33184

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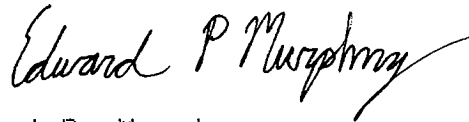
Edward P. Murphy
17146 Downing St
201
Gaithersburg MD 20877

United States Sentencing Comm
1331 Pennsylvania Ave NW
Suite 1400
Washington DC 20004

Honorable Commissioners,

I strongly urge you to advance fairness & justice in guideline calculations by promoting the exclusion of carrier weights from the sentencing process.

Sincerely yours,

A handwritten signature in cursive script that reads "Edward P. Murphy". The signature is written in dark ink and is positioned above the printed name.

Edward P. Murphy

PCRT -06/92

U.S. United States Sentencing Comm.
1331 Pennsylvania Ave. NW
Suite 1400
Washington DC 20004

Honorable Commissioners,

I urge you to advance

Fairness & Justice in your
Guideline Calculations by Promot-
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Robin H. Kelly

Panama City Florida

PCRI-07192

ADVERTISEMENT

☆ SAVE THE BILL OF RIGHTS ☆

The war on drugs is ravaging our civil rights while the Supreme Court turns a blind eye. A prime example is the recent decision affirming the Government practice of including the carrier medium with the weight of the LSD for sentence determination. Carriers, the substance LSD is placed on, vary widely and bear no relation to LSD quantity. This violates due process and equal protection of the law, as it results in widely disparate sentences among defendants who have possessed the same amount of LSD.

This is directly opposed to the stated goal of the federal sentencing guidelines, which seek to erase disparities and treat equally culpable offenders equally. Help us support justice by signing below and mailing this statement to:

UNITED STATES SENTENCING COMMISSION
1331 PENNSYLVANIA AVENUE, N.W.
SUITE 1400
WASHINGTON, D.C. 20004

Honorable Commissioners,

I urge you to advance fairness and justice in the guideline calculations by promoting the exclusion of carrier weights from the sentencing process.

Signature:

Paul D. Tully

State:

CA

For more information contact Timothy Dean,
P.O. Box 1000-167, Duluth, MN 55814

when are you going to include the weight of beer cans & bottles and cigarette packs in sentencing? Get real!

PCRI-0819 Sunday 22 Sept. 1991

Honorable Commissioners,

I recently heard of the decision affirming the Government practice of including the carrier medium with the weight of the LSD for sentence determination. Carriers, the substance LSD is placed on, vary widely and bear no relation to LSD quantity. This violates due process and equal protection of the law, as it results in widely disparate sentences among defendants who have possessed the same amount of LSD.

I urge you to advance fairness and justice in the guideline calculations by promoting the exclusion of carrier weights from the sentencing process. Sincerely, Meredith Gorman

5701 8th St Unit D
Camp Parks, Dublin
Ca. 94568
Oct. 30, 1991

RE: Sentencing Guidelines

Mr. Michael Courlander
Communications Director
U.S. Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite 1400, Washington, DC
20004

Dear Mr. Courlander:

I am writing to you in reference with the proposed Federal Sentencing Guidelines. I am one of the unfortunate ones that is serving my time in jail and won't be affected by the proposed changes. I think it is very unfair, unjust and unconstitutional for us here in prison. It brought a lot of anger and frustration, a feeling of despair, no hope for those of us who have made the one mistake for which we are paying society now.

I am voicing my opinion, please make it retroactive and grant the people who are incarcerated now, the same privilege as the one who are just being sentenced.

Sincerely,
~~Dr. Sanchez~~
Illuminada C. Sanchez
94780-012 Unit

PCRJ-10/92

MICHEAL COURLANDER, COMMISSIONS DIRECTOR
US SENTENCING COMMISSIONS, SUITE 140
1331 PENNSYLVANIA AVENUE
Washintong, D.D. 20004

The purpose of our letter stems from our need to address certain issues. We are not in agreement that any new sentencing guidelines - should affect only those who have not been sentenced.

We feel that the new proposed law, would be very,,very unfair - to all..We were sentenced under drugs oonspirator, drug dealer, drug users, law breakers, just as the inmates who are not sentenced carries those same charges as we did.

Give us a chance for life again we have already tasted the biter ness of prison, the restriction of BOP LAWS, we have suffered and feel remorse for our crimes..

Before you give those who have not yet felt theses tribution - think of us first, give us new guidelines and a fair say to your - preposal.

THANK YOU

NAME Doris Caro DATE 10-31-91
REGISTRO NUMBER # 36694-004 Und. E

FEDERAL CORRECTIONAL INSTITUTION
FCI PLEASANTON
5701-8th STREET
CAMP PARKS
DUBLIN, CA. 94568

MICHEAL COURLANDER
COMMISSIONS DIRECTOR
U.S. SENTENCING COMMISSION, SUITE 1400
1331 PENNSYLVANIA AVENUE
WASHINGTON, D.C. 20004

COMMISSION DIRECTOR
DEAR MICHEAL CCURLANDER,

I'm a Female Prisoner, incarcerated today at a FEDERAL CORRECTIONAL INSTITUTION at FCI PLEASANTON in DUBLIN, CA. As I know there are new laws being considered by the Sentencing Commission. For some reason these people don't feel that these laws should pertain to us, I'm already incarcerated. I agree these new Sentencing Guidelines are wrong.

YET THEY ARE TRYING TO LIMIT THE CHANGES TO ONLY THOSE WHO HAVE NOT BEEN SENTENCED.

This is wrong, since the new Guidelines have been considered wrong by the COMMISSION, then they should be considered wrong for EVERYONE that is sentenced under them.

We are working together and we need those laws, **CHANGED AND RETROACTIVE!!!**

I'm making my FEELING KNOWN!

PREPARED BY,
VICTORIA GELANA VALENTINE
REG. NO. 14430-050

SINCERELY YOURS,

Esther Ontiveros

REG. NO. 39366-080

Another E Wasted T What's You

United States Sentencing Commission
1331 Pennsylvania Avenue NW
Suite 1400
Washington, D.C. 20004

Dear Gentlemen:

According to the National Institute of Justice, it cost taxpayers to construct a prison, and \$60.00 per inmate, per day, to operate.

The number of federal inmates has almost tripled to more than 100,000. Estimates there will be 100,000 prisoners by 1995, mostly due to mandatory minimum sentences and stricter guidelines. Because of minimum culpability offenders are being sentenced to 10, 15, or 20 years.

We, the undersigned, as taxpayers, voters and in many cases, taxpayers, are concerned that these circumstances change. We do not suggest a soft hearted approach. We believe that people should be given the opportunity of rehabilitation. Most of these people are not given their freedom and families, they are only given the opportunity to be resentful against society. The families will be more than willing to help in the process.

We propose the following:

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Any Comment: First time non-violent
usable means of re

Name: Robyn Goldberg

Address: 13005 SW 95 Ave

Paid For By Ast

100-13792

United States Sentencing Commission
1331 Pennsylvania Ave.
Suite 1400
Washington D.C. 20004

November 6 1991

Dear Sir/Madam,

Reading your advertisement in today's paper I wonder what it is you are trying to accomplish. Is it a group of parents and relatives who are trying to get their loved ones out of jail? A group which states that they are willing to cooperate in the rehabilitation process, but seemingly did nothing about these people before they got caught.

Is this a group that states that first offenders in drug related cases are no threat to society? Let me tell you that most people involved in drugs will stay in drugs, even after a substantial sentence.

Is this a group that is more interested in keeping felons out of jail, then to reduce the cost of correctional facilities

Why don't you concentrate your efforts on reducing these costs. The average cost of a hotel room for one night in the United States is approx. \$ 69.00. For this the room has two or more occupants, receives daily maid service, daily change of sheets and towels, more plumbing and electrical features then a cell.

A hotel room has just about the same support crew as a jail; such as administrative and maintenance personnel and at the end has to show a profit.

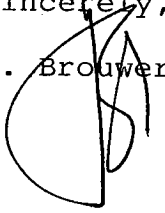
One goes to jail for doing something wrong; if the family group had supported him or her before doing this, he or she would not be there. Good behavior should have been in the entire family's mind a long time earlier.

I feel your costly add has a negative effect on the city of Washington D.C. alone. A city where every weekend more then a dozen people get killed in the streets, involving drugs; where hold ups, robberies, purse snatching, stabbings etc. are so common that the papers do not report them any longer.

Please get a hold on your own city and people before you start preaching to others.

Yes, I have friends in jail, they did wrong and knew the price they would have to pay when caught.

Sincerely,


R. Brouwer 14209 SW 275 St. Naranja Lakes FL 33032

11-6-91
Dear Sir,

I am writing this letter to urge you to support legislation that would either change the Mandatory Minimum Sentencing Guidelines or abolish them totally. Also, that the new laws would be retroactive to cover the people sentenced under the current laws.

The new laws take power from the judges as far as assessing each case and each person's life situation in connection to the charges. First time offenders get a lot of time unjustly because of the "Sentencing Guidelines".

Federal prisons are so overcrowded with first time offenders that it is ashame before GOD.

Please don't allow this injustice to go any further. I am not asking you to be soft on crime but I am asking you to work to insure that the Constitution and it's admenments aren't consistently violated as they are today in relationship to the Sentencing Guidelines. Almost 1 million people are in jail and most due to the sentencing guidelines.

Thankyou Sincerely,

Angela D. Wilson

Angela D. Wilson

Mr. Courlander;

Dear Sir,

I am writing to give my opinion of the sentencing Guidelines. I feel they are much out of line with Justice, Especially in the area of drugs. This Country has went into a frenzy about drugs promoted by politicians grasping for office. This political Hobby horse has been ridden long enough.

These laws cannot be seen as fair by any stretch of the imagination by anyone who has studied the situation. I'm sure you realize this so called "drug war" has been going on for over fifty years. During the process many of our civil rights have been lost and created a warped sense of Justice.

I implore you to research the situation and make a rational approach to the application of the law.

Sincerely yours,
Kenneth Rokutani

Roy Adams
Route One, Turney Center
Only, Tennessee 37140

PCRI-1492

Mr. Michael Courlander
Communications Director
U.S. Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite 1400
Washington, D.C. 20004

Dear Mr. Courlander:

I was reading an article in the fall issue of the **Insider Journal** that really hit home to me, as well as hundreds of other inmates incarcerated at this time. Although I don't have as long a sentence as some others that have been sentenced on the same charge, I would like to speak out for them as well as myself. I know that when you commit a crime, you have to live with the time, but it has gotten to a point, especially in Tennessee, that if you have committed a sex crime, of any kind, that in all appearances, we are getting two (2) sentences, especially those of us who have, for various reasons, only committed one (1) offense and even so of these under the **common-law** rule, was not looked down on so bad as we are looked down on. It just seems strange that some people can take anywhere from one to multiple lives and still gain parole, in comparison to time served, lots sooner than one who commits only one sex crime, no matter what the circumstances. It seems unfair that a judge can give you a set sentence at a set percentage which would allow you to be paroled at a said time, barring any infractions obtained during incarceration, but, when the time comes for your parole, the lawmakers, the parole boards, and society in general, decide for various reasons, which they add-in, that you have not served enough time. To us, this is second guessing the judgement of the trial courts and saying that they will judge this particular charge. They add something about seriousness of the offense and tell us that we cannot have parole, which is due us according to judgement and sentencing. Even if you proceed through the system with a perfect record, gain an education, both in academics and vocation, attend self-help classes and anything else that an inmate would be expected to do, they still, in most cases bring up such things as seriousness of the offense or we don't think you have been cured, thus stopping you from gaining parole. Sir, we think it is time that people woke up out there and realize that there is more to incarceration than just taking a sentence and serving it. If things were a little more fair about the sentencing laws, maybe we would not feel so much like we were being discriminated against on this particular charge.

Let us conclude by emphasizing the fact that we are not speaking of all sex offenders but the ones who have but one offense. We will be among the first to agree that anyone who deliberately commits an offense should serve a longer term and be put through a program of some type that would help them. But our big complaint is that the laws should be broad enough to separate the habitual or serious offender from the ones who have through inability to stop and think before they commit the crime because of in my particular case of being led into it. I know this is no defense because of age but it is my excuse.

I don't know if you have any control over state situations or not but if you do, we sure would appreciate any help you might be able to give us in this matter.

Roy Adams
Roy Adams
Route One, Turney Center
Only, Tennessee 37140

PCRI-17/92

Peggy Miller
ID# 02855-078

5701 8th ST.

Camp Parks Unit I
Dublin Ca. 94568

Nov. 5, 1991

Mr. Courlander

Commissions Director

U. S. Sentencing Commission, Suite 1400

1331 Pennsylvania Avenue

Washington, D. C.
20004

Dear Mr. Courlander:

I am writting to you concerning the change in the new law. I am deeply concerned about these laws only pertaining to those being sentenced now.

I have been incarcerated at FCI Pleasanton, CA. since April 1989.

I do not feel that this is fair to those of us that are doing time now under the new law and that this new law being passed does not concern us.

Thank you for taking time out to read my opinion.

Sincerely,
Peggy Miller



Ed Sherry
2507 N. Federal Hwy.
Lake Worth, FL 33460

PCR-18192
11-9-91

Yes, I agree with your minimum fines for non-violent possessors of marijuana.

Marijuana should be legalized like Mayor Schmoke of Baltimore and others have advocated for years.

The "War" on drugs is not won unless the death penalty is given to dealers.

Spend the money on rehab programs, not more helicopters for the assault force in the California mountains. They used 18 copters to seize 230 plants recently.....

Violent prisoners should stay in for their whole term....Non-violent prisoners should be on house arrest.

PCRT-19/92

11-6-91

Beverly Cody
Rt 1 Box 306
Gower, Mo 64454

Dear Mr Courlander,

I'm writting to express my opion on Federal Sentencing guidelines. In my opion they are very unfair. Mandatory minimums are not only unfair, they are not working. They are not stopping drug use or the selling of drugs. On Friday the 30 day of August, 1991 the Washington times stated some 27 million people use drugs ever year. Where are they getting them? Not from the couriers serving lengthy sentences in Prison!! How about from the Kingpins who know and tell enough information to keep themselves on the street? All they have to do is hire some one else stupid enough to carry thier drugs

for them and its business as usual. We, the taxpayer, pay millions of dollars each year to keep a person in prison while the one who hired him is still getting rich. Is that smart? I think not. I'm not saying the couriers should not be punished, I'm asking why they should have to spend more time behind bars than the average robber, kidnapper, or murderer who normally spend about 6 1/2 years?

To quote the San Francisco Chronicle where they printed on Monday, July 15, 1991 "Many judges do not like the sentencing formula, saying the judiciary is better equipped to decide what is fair in a given case." I fully agree. I say go back before November of 1988, take the power away from a cold unfelling government and give it back to the judges

where it belongs. To a living,
breathing human.

I say repeal the mandatory
minimum. Give the violators, as
well as the taxpayer a
break. This formula is not
working.

Thank you for taking the
time to read my opinion. Any
reply from you would be
greatly appreciated

Yours,
Beverly Cody

PCRT-20/92

Marlene Jimenez
Reg. No. 51175-079
5701 8th St., Unit A
Dublin, CA 94568

Michael Courlander, Commissions
Director
U.S. Sentencing Commission
1331 Pennsylvania Ave., Suite 1400
Washington, DC 20004

Dear Mr. Courlander:

I am a federal prisoner presently serving a sentence imposed under the "new" Federal Guidelines. I understand your office is considering the possibility of modification of these laws as well as alternative sentencing. I sincerely hope that changes are effected -- there are thousands of men and women in prison today facing a very grim future away from loved ones due to being sentenced under the "new" laws.

On behalf of myself and others who share my dilemma I beseech you to permit those of us who are already in prison to benefit from any modifications to the existing laws. Please, do not allow us to become a forgotten segment of society, serving harsh sentences with no hope. Our families are enduring tremendous hardships as a result of our incarceration. Countless children are growing up without parents, unable to even visit their parents due to geographical distances which render it impossible for them to maintain relationships. These children are America's future, yet the impact on their lives is overwhelming.

Please, temper justice with mercy. Give us a chance to prove our worth as individuals and to regain our dignity. You are our only hope.

Sincerely yours,

Marlene Jimenez
Date: 11/14/91

US Sentencing Commission,
Chairman
1331 Pennsylvania Ave, NW
Suite 1400
Washington, DC 20004

Dear Sir,

I urge you to recommend the exclusion of LSD carrier media weights when calculating sentences in your upcoming report to Congress on your evaluation of the effectiveness of this part of the Sentencing Reform Act.

You noted the ambiguity of the statute as it is currently written in a letter to Senator Biden, dated April 26, 1989. Presumably acting in response, Sen. Biden recommended the technical correction of "remedying the unintended inequity by removing the weight of the carrier" (Amendment #976 to S.1711. 135 Cong.Rec. S12749 daily ed. Oct. 5, 1989). Senator Kennedy has sponsored two pieces of legislation that would have excluded the weight of the carrier upon which the controlled substance is placed, or by which it is transported (Amendment #1716 to S.1970, 136 Cong. Rec. S7069, daily ed. May 24, 1990). In the 101st Congress, Sen. Kennedy introduced S.2649, the Drug and Alcohol Abuse Treatment and Prevention Improvement Act, which also would have addressed the problems resulting from a weight-based sentencing scheme with respect to LSD carrier media.

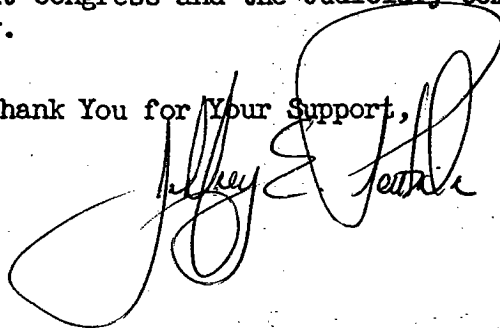
It is obvious that both the Sentencing Commission and Congress realizes such a scheme is not in concert with the objectives of the Anti-Drug Abuse Act of 1986, nor with the Sentencing Guidelines, which sought to treat equally culpable individuals similarly. In this spirit, you must again recommend to Congress that legislation be passed to resolve this ongoing violation of equal protection, this propagator of unusual punishments.

Although the Supreme Court upheld this practice, it was only because they felt Congress knew what it was doing. Beyond that, there is no logic or rationale in their majority opinion to continue granting what Chief Justice Rehnquist understands to be "widely disparate sentences" that bear no relation whatsoever to the severity of the offense. The Court based its decision on the assumption that an LSD carrier is the functional equivalent of a cutting agent. The Court's determination that LSD adhered to a carrier is a "mixture" is factually incorrect. The Court's constitutional holding is based on the incorrect assumption that there is a rational relationship between the weight of an LSD carrier and the number of doses distributed. The Court utterly ignored the violation of the Eighth Amendment.

Senator Biden suggests that mechanisms built into the Sentencing Reform Act rely on evaluating reports from both the Commission and the General Accounting Office. Please address this issue appropriately, so that Congress and the Judiciary Committee may act to remedy this embarrassing discrepancy.

JEFFREY E. PENKALA
15 BIRCH ST.
CONYNGHAM, PA
18219

Thank You for Your Support,



Post Office Box 1010,
Bastrop, TX 78602.

October 12, 1991.

Mr. Michael Courlander, Commission Dir.
US Sentencing Commission, Suite 1400.
1331 Pennsylvania Avenue,
Washington, D.C. 20004.

Dear Sir:

As you ought to know, we as Colombian Citizens have been prejudiced and biased in the Courts of this Great Nation at the time of rendering sentence against us.

For that matter, we are hopeful of a positive outcome and decision pertaining our appeals, and/or the eventual deportation to our homeland as soon as possible, and/or the changes of the commission to revise the Guidelines and possible making the guidelines retroactive for the ones that have already been sentenced under them, since the guidelines have been considered Wrong by the commission; they should be considered to be Wrong for Everyone.

Note that most of Us Colombians in the Federal prisons of America do qualify as Nonviolent offenders. Therefore, we should be sent home to Colombia as soon as possible as an Intermediate kind of punishment, for most of Us have served part of the irrational sentence rendered upon us, and since most of us can't be released to the North American society as an alternative to imprisonment. For most of us do not have any kind of family in the United States either.

More.

Page 2 of 1.

Please listen to our Voices, and thank you beforehand for anything that you and the Guidelines Commission might be able to do to help us be United with our dear families soon.

Respectfully submitted,

JESUS HERNAN ARIZALA
No. 01208-094

UNITED STATES SENTENCING COMMISSION

Dear: U.S. sentencing Commission

This is my first time I have a chance to write to all of you, I read the Miami Herald news paper from Wednesday Nov. 6 and I saw few things that I would like to know more about it.

Well I'm a Federal Inmate now in Marianna Correctional Institution because they found me guilty on Drus conspiracy. First let me introduce myself, I'm not an American I'm peruvian but I grew up in this country I came into U.S.A. in May 21 of 1982, but most of my time I spent in N.Y.

I went to school but I couldn't finished because I have to work to send money to my family in South America, I never have been in trouble before this is my first offense in all my life.

I'm in here for conspiracy because one white man said that He knew me, only to reduce his sentence. Is not fare that the Law actuate like this and give me 136 months for nothing, while the white man got 48 months because He pointed me.

Or there is something against the spanish people and the worst things that I see in my life was the Jury they found me guilty without prove first they gave me 5 counts but they couldn't proved and the Judge dismise four of then, but they only charge me on conspiracy on one count.

I gave to my lawyer all my income tax receipts, and some works letters from the companies where I used to work but the Judge did not care about it also they didn't check my background, how come they will know if any individual was on Drugs activities or not, I paid all my taxes since I am in this country and now all my family is in this country, I have a wife and two children to support, now who is gonna take care my family only my Mother works but what she makes is not enough for them.

And I can't even work here there is to many people in this institusion and what I make is \$5.00 per month working on the laundry.

I'm a poor man I don't even have a car or Bank account, I feel like this people destroyed my life because I am now 26 but at the time when I will be out I'll around 35 and I have to spend all my younghood behind bars just for one person.

There is a lot of inocent people in this place I can prove, I have almost two years and I hope something happen in this Law,

I want you to answer me this question. The D.E.A. agent who got me is now suspended from the D.E.A. because the Alabama Federal Court will open an indictment against him because he was a crooked cop, he was involve on Drugs trafficking and I know that he made a plot to get me because he was needing people to covered his misdeed, you know. I want to see if they found Him guilty how much time they will give him, and do you think if can do something about this, or at least work in my appeal if I have some chance, and then they said that they will send me back to my country, I think what they want is destroy me at all.

in this time in here I complete A/A, DRUGS, A.B, GED, TYPING, COMPUTER classes with my diplomas now I'm taking AIR CONDITION AND REFRIGERATION courses by correspondence because that is what I used to do outside, but I need my diploma and then I'll try to get my license to make good money and live well.

I want to know if something is gonna happen to the first offenders on Drugs or if the Law will change something for 1992. If you have any question let me know I will answer you thank you for let me write to all of you.

Sincerely

Juan Carlos Carbajal

November 12, 1991

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ALABAMA

581 HUGO L. BLACK U.S. COURTHOUSE

1728 5TH AVENUE NORTH

BIRMINGHAM, AL 35203

CHAMBERS OF
ROBERT B. PROPST
JUDGE

October 25, 1991

U. S. Sentencing Commission
1331 Pennsylvania Avenue, NW
Suite 1400
Washington, DC 20004

Ladies and Gentlemen:

I assume that you will receive post sentence reports on the following cases.

U.S. v. Thomas Brown (18 years old), CR91-PT-169-S, N.D. of Ala.

U.S. v. Luiz Zarzabal (25 years old), CR91-PT-179-S, N.D. of Ala.

These two cases could serve as a clinic to illustrate why many judges are disturbed with the application of the guidelines.

Young Brown had a disturbed childhood and had been treated with medication with an adverse reaction.

Zarzabal had no demonstrated problems of the type Brown had.

Because Zarzabal was designated a minimal participant (through conclusion of probation office and acquiescence of U. S. Attorney), his guideline range was 6 to 12 months.

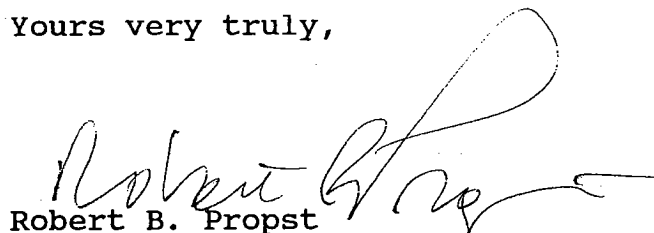
After the paper was weighed in an LSD case, Brown's guideline range was 188 to 135 months.

Zarzabal's Criminal History Category was 1.

Brown's was 1.

Something seems out of kilter.

Yours very truly,


Robert B. Propst

JANA V. JAY
ATTORNEY AT LAW
 3061 TERRACE AVENUE
 NAPLES, FLORIDA 33942
 TELEPHONE (813) 793-3321
 TELEFAX (813) 793-2584

November 7, 1991

United States Sentencing Commission
 1331 Pennsylvania Avenue NW
 Suite 1400
 Washington, DC 20004

Gentlemen:

I read with interest yesterday the letter directed to your attention that appeared as a full page in the November 6 Miami Herald. Earlier this year, I had written to you, in response to a prison rumor that something was afoot that correspondence from interested individuals might influence. The gist of my correspondence to you was my individual plight as a grass widow; I am pleased to add my voice in support of the policy expressed in that advertisement. As a professional, as a member of the bar, I find myself in a sometimes difficult position. I took my oath, and I take it seriously. It is difficult to explain that to my fellow grass widows at times. We all know of the son of a friend of the U.S. Attorney for the Southern District of Alabama who would have had his sentencing exposure measured in decades, who now has not even a record of having been arrested in connection with his drug-related activities. We know of the Justice Department official who had similar exposure, who was given a suspended sentence. I used to tell those women, the ones I see every three weeks, on the other side of the security desk, that things would change when loved ones of important ones faced mandatory minimums. Now everyone knows of someone to whom, because of someone, that hasn't happened.

Dick Thornburg said that his prosecutors could ignore the ethical obligations by which most officers of the court abide. His arrogance is met with poetic justice. We hope that legislators will exercise more prudence, and temper that hysteria that leads people to wear red ribbons and place mules in prison for multiples of decades while crack addicted mothers whore on street corners and government agencies give carte blanche to recreational pharmaceutical CEOs who are willing to take the stand against former leaders of foreign governments, in exchange for keeping their millions, free from fear of prosecution. How about a little just-say-put-your-money-where-your-mouth-is? How about a little treatment for the addicted, instead of millions for anyone who will badmouth Noriega?

Will you do your part, will you pay heed to those copies of the Herald that my fellow grass widows sign and send?

Very truly yours,

JANA V. JAY

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)



November 21, 1991

Ms. Jana V. Jay
3061 Terrace Avenue
Naples, Florida 33942

Dear Ms. Jay:

Thank you for your thoughtful comments on the sentencing guidelines. Your letter has been circulated to the appropriate staff for review.

Thank you for taking the time to respond.

Sincerely,

A handwritten signature in cursive script that reads "Michael Courlander".

Michael Courlander
Public Information Specialist

November 11th, 1991

Judge William W. Wilkins, Jr.
Chairman
United States Sentencing Commission
1331 Pennsylvania Ave NW Suite 1400
Washington DC 20004

Honorable William W. Wilkins, Jr.,

Allow me to take this opportunity to express my deep concern that the sentences handed down to violators of the controlled substances laws are almost entirely inappropriate and excessively punitive. Indeed, the courts have the whole issue backwards. The drug laws in general, and the enforcement philosophy of Zero Tolerance in particular, constitute gross violations of Constitutionally enumerated rights and human rights. If the targets of these laws were fairly recognized as cultural enclaves the courts would be trying the anti-drug zealots with violations of the Genocide Convention Implementation Act of 1987 - US PL 100606.

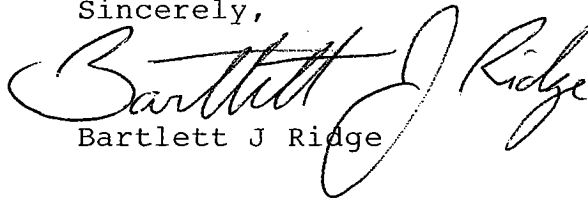


**Reform
Initiative**

P.O.Box 1562
Albany, NY 12201

Bartlett J. Ridge
(518) 465 1885

Sincerely,


Bartlett J Ridge

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
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George E. MacKinnon
A. David Mazzone
Ilene H. Nagel
Benjamin F. Baer (ex officio)
Paul L. Maloney (ex officio)



November 21, 1991

Mr. Bartlett J. Ridge
DSM Reform Initiative
P.O. Box 1562
Albany, NY 12201

Dear Mr. Ridge:

Thank you for your thoughtful comments on the sentencing guidelines. Your letter has been circulated to the appropriate staff for review.

Thank you for taking the time to respond.

Sincerely,

A handwritten signature in cursive script, reading "Michael Courlander".

Michael Courlander
Public Information Specialist

NOVEMBER 14, 1991

UNITED STATES SENTENCING COMMISSION
1331 Pennsylvania Ave. N.W. Ste. 1400
Washington, D.C. 20004

RE: ISRAEL PENA JR.
41928-004

Dear Sir/Madam:

My name is Mirna Lapica, I live at 5685 E. 7 Ave., Hialeah, Florida 33013, phone number is (305) 769-9227.

Israel Pena Jr. is my brother, he is serving 19 years and 7 months at a Federal Correctional Institute of Jesup., 2680 Highway 301 South, Jesup, Ga. 31545., for a first time, non violent offense of possession and conspiracy of trafficking cocaine.

The reason I am writing to you is because I saw the attached article in the newspaper. I strongly feel that my brother falls under that category.

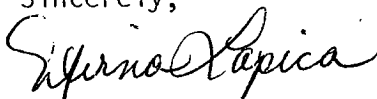
I do believe strong hands on drug dealers, but you hardly ever see the top men getting caught, convicted and sentenced.

Treat each case on a one to one basis, because, yes I have seen or heard of cases where people have gotten out and went back to doing the same things over again. But you see this also happens with other types of crimes too.

In my brother's case he is a United States Citizen, worked for the Miami Dade Water And Sewer Department for over 10 years. He was just a victim of circumstances in the most unfortunate turn of events. My brother will serve a better purpose of exempling outside in the world than incarcerated in a overcrowded Judicial System.

I thank you for the time you are taking to read this letter and praying you would take count on what I have written.

Sincerely,



Mirna Lapica

ACCORDING TO ANN LANDERS, COLUMNIST FROM THE MIAMI HERALD "PRISONS AREN'T THE BEST ROUTE TO REHABILITATE" JANUARY 1991. ALSO STEVE HALPREN, IN AN ARTICLE RECOMMENDED HOUSE ARREST MONITORS FOR FIRST TIME OFFENDERS, IN THE MIAMI HERALD ON DEC. 1990.

SENTENCE GUIDELINES RAISE FEARS THAT SWELLING PRISON POPULATION MAY LEAD TO VIOLENCE, U.S. DISTRICT JUDGE WILLIAM SCHARZER SAID, IN AN ARTICLE BY R. ROBIN McDONALD FROM FORT WORTH STAR TELEGRAM.

ACCORDING TO MICHAEL J. SNIFFEN COLUMNIST FROM THE ASSOCIATED PRESS, "CRIMINAL JUSTICE IS IN A CAR AS FEDS RUN OUT OF JAIL CELLS, AND INMATES ARE DOING THEIR TIME INSIDE MARSHAL'S VANS DRIVING ON USA HIGHWAYS.

THE CRIMINAL LAW REPORTER ON FEB. 1991, JUDGES WENT BELOW THE MINIMUM MANDATORY FOR DRUG "MULES" THE GOVERNMENT FILED A MOTION TO RECONSIDER THE SENTENCE, THE MOTION WAS DENIED. GIVE JUDGES MORE POWER AND INVESTIGATE IN THE CRIMINAL LAW REPORTER FOR THE NUMBER OF CASES THAT ARE SIMILAR

DO YOU HAVE ANY FAMILY MEMBER OR FRIEND IN PRISON, YES ☒ NO ☐

ANY COMMENT: *I have a second cousin, who is father of three,*

NAME: *VIVIAN COHEN*

ADDRESS: *11091 SW. 62 TER.
MIA, FL. 33173*

December 2, 1991

PCRI-2919d

Michael Courlander
Courlander Communications Director
US Sentencing Commission
1331 Pennsylvania Avenue, SW
Suite 1400
Washington, DC 20004

Dear Mr. Courlander:

I am writing to express my concerns about the mandatory sentencing guidelines and the unavailability of parole. I think it is imperative to return to the situation where Judges can do their jobs and decide upon sentencing and/or parole based on each specific case's information. We must look at persons who have committed crimes individually. Look at their personal, social and economic backgrounds.

It is common knowledge that prisons are not rehabilitative and therefore it is essential, at the very minimum, to give inmates motivation to behave well. Fifty-two days per-year good-time is not a strong enough incentive.

There is also a higher potential for assault on the correctional officers due to the fact that they can't be effectively punished.

I am earnest in my appeal to you, having experienced the unfairness of the system as it stands, in relation to my brother, Anthony. He is 27 years old, college educated, and without any prior record. He is now facing the almost certain future of losing the prime of his adult life by spending 25 years in prison with no parole possibility.

Yet, just this week, I read about the "gay bashing" case in Jackson Heights, NY, where three violent youths killed a male simply because he was gay and the guy who actually stuck the knife in and caused the death will be out on parole in 8 and 1/3 years. How can he murder someone and be up for parole and my brother, who has not killed anyone, face 25 years without parole?

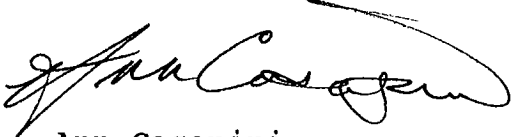
My brother has been accused of sending a bomb through the mail. The guidelines recommend 9-13 years for that alone. In addition, he was threatened to be charged with the 924C enhancement statute which carries a mandatory minimum of 30 years. In effect, he would be charged twice for the same crime. I am sure that the original intent of the enhancement was not for first time offenders like my brother Anthony. He is caught up in the drug war mentality and it is a terrible shame since his supposed offense had nothing to do with drugs. It is for cases such as Anthony's that this mandatory minimum enhancement charge is especially heinous.

Do you recognize the injustice of the discrepancies of punishment that now exist?

Please consider the economic issues, overcrowding and safety issues. But most of all, please consider the human side of the question...that not all prisoners are violent and some, like my brother, probably were merely people under emotional duress who needed help and didn't know how to ask for it.

I urge you to do whatever you can to re-instate parole on the Federal level and to do away with mandatory enhancement charges such as 924C.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Casapini", with a long, sweeping horizontal stroke extending to the right.

Ann Casapini
120 East 19th St., #GRR
New York, NY 10003

November 5, 1991

The Honorable
Judge Wilkins
U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, D.C. 20004

Dear Judge Wilkins:

The federal government has attempted to fight drugs by setting minimum mandatory sentences and stiffer penalties. The only effect these stiff penalties have had is the overcrowding of federal prisons and the break up of families. Drugs are more than ever on the streets and our children are not being educated to say no to drugs even though plenty of demonstrations go on every day- demonstrations are not education.

Because of these mandatory minimum sentences and stiffer guidelines many first-time, non-violent, minimum-culpability offenders are being sentenced to 10, 20 and even more than 30 years of prison.

Most of these prisoners do not present a threat to society and are only given the opportunity to learn new crimes and become hostile and resentful against society.

Prisons do not rehabilitate, but do decimate the family unit. Thousands of children are growing up with psychosocial disturbances caused by this family separation and broken homes.

We, the undersigned, as taxpayers, voters and in many cases families of these prisoners are demanding a change in this situation. We do not ask a soft hand with drug dealers, but under the current guidelines and minimum mandatory sentences everybody, from the minor to the major participant, is treated equally, and the level of involvement in the offense is not taken into account. These stiff sentences do not deter crime, since the people only learn about these sentences when it is happening to them.

Other alternatives to imprisonment, such as home arrest, community control, probation, should be looked at, to make productive people out of these prisoners and to keep the family united. You should always remember that today's children are the men who will run this world tomorrow and we will all suffer the consequences of your actions.

There is a growing movement for reforms in the judicial criminal system to keep our families united. The prisoners cannot vote, but WE can.

Very truly yours,

NAME

ADDRESS

Marta Benitez

Cruz Amala

Vivian Cebazabal

Margarita Rivera

Julia Lueden

Ana H. Ray

Cecilia Cebazabal

Eduardo LEGALADO

Tomas HERRERA JR

Ana Gargales

Gerardo Verdu

Lidia Garcia

Lidia C. Garcia

Gerardo Verdu

Lidia C. Llerena

Maria Llerena

Miriam Caipal

Lidia Gorgaly

Saver Gorgaly

Zorba Parafina Roa

Brenda Amador

Blanca J. Busto

Antonina Leon

2301 Collins Ave - Miami Beach

2301 Collins Ave - Miami Beach

3987 W 9 Lane Hialeah Fl 33012

4550 W 16 Ave apt 604 Hialeah

6830 INDIAN CREEK DR #403

2291 W. 55 St. Hialeah Fl. 33012

120 NW 98 Terr PTH

2371 Collins Ave M. Beach Fl 33139

13425 SW 1st Miami Fl 33184

" " " "

19030 W. D. Worth Dr 33012

6110 W 110 Terr Miami Fl 33012

" "

19030 W. D. Worth Dr 33012

4272 E 8 Lane Hialeah Fl 33013

5504 SW 140 Pl. Mia. Fl. 33175

3760 E 6 Ave. Fla Fl. 33013

Miami 33125

1500 NW 24 Ave Fl 635-1937

Miami

1500 NW 24 Ave Fl 635-1937

1553 SW 35 St. Tel. 649-4413

8830 SW 72 St. B-12 270-0170

" " " " " "

30 S W 15 Fl.

NAME

ADDRESS

Cassie Lopez
 Robert Goyals
 Mercedes Guerrero
 Jose Cepeda
~~Rodriguez~~
 Gloria Garcia
 Francisco Rodriguez
 Josefina Garcia
 Candida Garcia
 Daisey H. Trempson
~~Jubeloff Hugo~~
 Veronica Arcila
 Lidia Abel
 Martha Romero
 Margarita Abel
 Grace R. Abel
 Maggie Abel
 Norma Rodriguez
 Consuelo Cano
 Maria Elena Correa
 Emma Osorio
 Nancy V. Rios
 Celis Abel

P.O. Box 1095 Miami 33253
 1068 SW 128 Ave
 1068 SW 128 Ave
 851 SW 160th Miami FL 33155
 215 W 44 St Hialeah FL 33012
 110434 W 2 TR. Miami FL 33172
 215 W 44 St Hialeah Fla
 215 W 44 St Hialeah Fla
 661 W 55 PL. Hialeah Fla
 14750 SW 82 TOR Miami, FL 33103
 14235 SW 57 Ave #6 33183
 581 W. 38 PL. Hialeah, 33012
 581 W. 38 PL. Hialeah, 33012
 56113th 2nd MFL 33134
 5611 SW 2 ST M FLA 33134
 564 SW. 2nd St Miami 33134
 10750 SW 42 St Miami FL 33165
 58 NW 65 Ave Miami, La
 7431 SW 4th Apt 405 Miami
 7431 SW 4th Apt 405 Miami
 68 NW 65 Ave Miami, FL 3310
 150 E 1 Ave 205 Hia, FL 33010

NAME

Judith Dimuro
Deana Rizo
Ima n Ding

ADDRESS

6385 W 24 Ave #37
Hialeah, FL 33016

6190 SW 44 Terr Miami FL 33155

3111 Willow St apt 517 Cottontale FL 32431

PCRI-31192

United States Sentencing Commission
1331 Pennsylvania Avenue NW
Suite 1400
Washington, D.C. 20004

Dear Gentlemen:

We propose the following:

1. Mandatory minimum sentences must be revised and the Judges must have more flexibility when sentencing.
2. Alternatives to incarceration must be implemented, such as:

- A. Probation
- B. House arrest
- C. Paying time with community service
- D. Deportation (voluntary)

3. The percentage of time served must be lowered from the current 85% of the sentence to one-third of the sentence for the first-time, non-violent offenders.

- 1. Re-instate parole and time-off for good behavior, "Extra Good Time," etc.
- 2. Restore Good-Time for inmates who work in the Institution, 5 days per month.
- 3. Elderly and sick inmates should be in House Arrest

Do you have any family member of friend in prison, YES NO ☒

Any Comment: _____

Name: _____

Address: _____

Tomar Nunez
1858 SW 27 TH AVE

Dear Committee,

12-5-91

I would like for you to view my comments on your mandatory sentencing guidelines, and how they can destroy a person and the lives of family's.

For example, and truth, my husband Chris Alan Terrell, and 4 other men were arrested on a conspiracy to distribute methamphetamine, and a firearm charge. They were arrested on March 13, 1990, and were denied bond, and set in a county jail for 13 months until trial. Trial was set for January 29, 1991.

In the trial a government witness testified that he made a deal with the government to set the 5 men up in a conspiracy. And stated that he was paid to do so.

To make a long story short, they were found guilty on the conspiracy, but not guilty on the gun charge. And when it came time for sentencing 4 of the men, which one of them was Chris, my husband, were given 40 years, and one was given 17½. The judge sentenced them by what the government's witness told the pre-sentencing man. But not evidence given in court. The judge also gave them time on the gun charge that they were found not guilty on.

This mandatory sentencing sloped outside life for 5 men. I'm speaking out for my husband when I say he was a first time offender. You can check his past record, the man had never been in any trouble before. This case will go before the appeals judges Dec. 9, 1991, in St Louis, MO. 8th district.

Chris Terrell is a family man. He has a wife and 2 sons, ages 2+4, and a family that loves him very much. Due to this he lost his job, and forced me and his kids to go on AFDC.

For the sake of these men and there family's we would like to see the system change. The way the system is right now, all I can say is that it is unfair and very unjust. There are 2nd and 3rd time offenders that get no more than probation. When a first time offender gets 40 years. I have to stop and ask why? I myself know alot of people that would like to see the system change. But only to the better.

I would like to thank you for giving me the chance to comment on this issue. I'm looking forward to a change for the good.

Sincerely,

Angelina Terrell

Another Example of Wasted Tax Dollars What's Your Opinion?

United States Sentencing Commission
1331 Pennsylvania Avenue NW
Suite 1400
Washington, D.C. 20004

Dear Gentlemen:

According to the National Institute of Justice, it cost taxpayers, on the average, approximately \$75.00 per bed to construct a prison, and \$60.00 per inmate, per day, to operate it.

The number of federal inmates has almost tripled to more than 59,000 since 1981, and the Bureau of Prisons estimates there will be 100,000 prisoners by 1995, mostly due to the surge in drug arrests coupled with more mandatory minimum sentences and stricter guidelines. Because of these stiff guidelines, many first time, non-violent, minimum culpability offenders are being sentenced to 10, 20 and 30 years in prison.

We, the undersigned, as taxpayers, voters and in many cases families of these prisoners, respectfully demand that these circumstances change. We do not suggest a soft hand with drug dealers, however first-time offenders must be given the opportunity of rehabilitation. Most of these people do not present a threat to society, but when deprived of their freedom and families, they are only given the opportunity to learn new crimes, become hostile, bitter and full of resentment against society. The families will be more than willing to cooperate and participate in the rehabilitation process.

We propose the following:

1. Mandatory minimum sentences must be revised and the Judges must have more flexibility when sentencing.
2. Alternatives to incarceration must be implemented, such as:
 - A. Probation
 - B. House arrest
 - C. Paying time with community service
 - D. Deportation (voluntary)
3. The percentage of time served must be lowered from the current 85% of the sentence to one-third of the sentence for the first-time, non-violent offenders.
4. Re-instate parole and time-off for good behavior, "Extra Good Time," etc.
5. Restore Good-Time for inmates who work in the Institution, 5 days per month.
6. Elderly and sick inmates should be in House Arrest.

The obvious benefits of these alternatives are that the taxpayers' money will be saved and the first-time, non-violent offenders will have a chance at rehabilitation. Building more prisons will neither solve nor alleviate the problem. It is our duty to strive to be a regenerative and not a punitive society. We urge our lawmakers to investigate and to enact legislation that will better serve everyone.

According to federal Judge Vincent L. Broderick, "panel weighs non-prison punishment, particularly for first offenders, in the Miami Herald on Dec. 1990.

According to Ann Landers, columnist from the Miami Herald "Prisons aren't the best route to rehabilitate" January 1991. Also Steve Halpren, in an article recommended house arrest monitors for first time offenders, in the Miami Herald on Dec. 1990.

Sentence guidelines raise fears that swelling prison population may lead to violence, U.S. District Judge William Scharzer said, in an article by RJ Robin McDonald from Fort Worth Star-Telegram.

According to Michael J. Sniffen columnist from the associated press "criminal justice is in a jam as feds run out of jail cells, and inmates are doing their time inside marshal's vans driving on USA highways."

The Criminal Law Reporter on Feb. 1991: Judges went below the minimum mandatory for drug "mules". The government filed a motion to reconsider the sentence, the motion was denied. Give judges more power and investigate in the Criminal Law Reporter for the number of cases that are similar.

Do you have any family member or friend in prison, YES ☒ NO ☐

Any Comment:

Please read my comments in the 2 page letter I have wrote. Thank you

Name:

Angelica Terrell

Address:

Rt1 Box 109 Wardell, Mo. 63879

Ruth E. Angomas #161521
Broward Correctional Institution
P.O. Box 8540-97
Pembroke Pines, FL 3302
December 10, 1991.

United States Sentencing Commission
1331 Pennsylvania Avenue N.W.
Suite 1400
Washington, D.C. 20004

To whom it may concern:

After reading your article on the Miami Herald, dated Nov. 6, 1991, I decided to write and express my opinion.

As you may already know, I'm an inmate at Broward Women's Institution. I'm serving a 15 year minimum mandatory sentence for conspiracy to traffic in cocaine.

15 years is too much time for a first time offender who had committed a non-violent crime. At this moment there are offenders with murder charges that will do less time than the minimum mandatory convicted felons. Nevertheless, there's a good 35% to 40% of inmates that never had been involved in any type of crime until their recent offense. For example, inmates like myself

that have not been in trouble, that had work honestly and pay income taxes for more than 10 years or so, that come from a good decent families but have deviate from their upbringing for the lust to have better things or even a better life, these type of people can go into civilization and make a difference.

I understand that the cost that takes to feed, housed, and clothed inmates. And the taxpayers are the one paying for all this. The economy in Florida is in a terrible situation, so there should be some avenues that need to be taken to alliviate this situation.

Yes, there are many inmates in this and many other institutions that from the beginning should've been on parole, house arrest, community control, etc. I personally think and see it happen in this institution that the offenders that get these chances are the first ones that keep coming back to the system. So as soon as the state come up w/ a better program, tax payers are still going to pay millions for an unsuitable system.

Thank you for taking the time
to read my opinion. I'm hoping for
better programs come now 1992.
At least that some of them will
benefit the minimum mandatory
percentage of inmates incarcerated.

God Bless you.

Sincerely,
Ruth E. Longoria

PCR-34/92

United States Sentencing Commission
1331 Pennsylvania Ave., N.W.
Suite 1400
Washington, D.C. 20004

Re: Petition for Modification of Guidelines
17 December, 1991

Dear Commissioners:

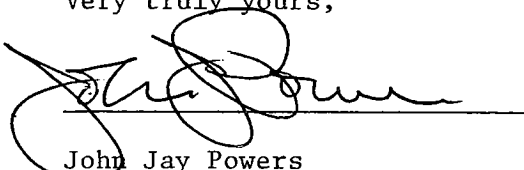
Enclosed please find three (3) copies of my petition for modification of the guidelines. I have undertaken a considerable study in the area of violations of 18 U.S.C. § 2113(a) where there is no actual violence nor weapons used.

I certainly hope that my petition will be taken seriously and that some type of change can be made in the application of the guidelines as they affect persons convicted of "note jobs."

I personally know many Judges, Attorneys and prisoners who are awstruck by the severity of the minimum mandatory terms imposed under the Career Offender provisions for what some have called a "very mild offense."

Thank you for your time and consideration in this matter. If I can add any other information which may assist you in the decision concerning my petition, please do not hesitate to contact me at the address below.

Very truly yours,



John Jay Powers
03220-028
P.O. Box 1000
Leavenworth, Kansas 66048

IN THE UNITED STATES SENTENCING COMMISSION

IN THE MATTER OF:

John Jay Powers'

PETITION FOR MODIFICATION OF GUIDELINES

COMES NOW the petitioner, John Jay Powers, in proper person, pursuant to Title 28 of the United States Code, section 994(5) and respectfully submits his **Petition for Modification of the Guidelines**, showing:

1. The current guidelines only use and rely upon offense characteristics and criminal history in computing the applicable guideline range(s); there are no provisions for mitigation other than acceptance of responsibility.

2. Unarmed bank robberies (note jobs) are generally committed because they can be accomplished without the violence associated with other forms of robbery.

3. It is the public perception that "note jobs" are related to the source of difficult

economics.

4. There has been a large jump in the numbers of "note jobs". 6,858 in 1989 and 8,855 in 1990.

5. Very small amounts of money, on the average, are received during the course of a "note job."

6. "Note jobs" are actually a non-violent crime as there is no physical harm or weapons used.

7. The community view of bank robberies in general is based on movies that depict gangsters blowing up vaults, shooting down innocent persons and police officers, and getting away with vast sums of money.

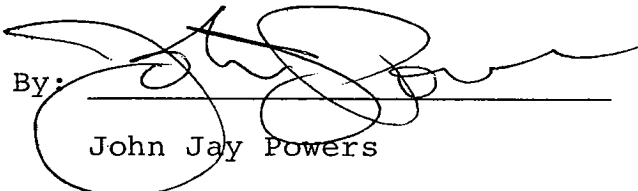
8. Modern bank robbers are an unpretentious lot. Very few bank employees or customers even know that a "note job" has occurred.

9. The **Guidelines** make no provision for distinction between actual force and violence and mere intimidation. Many, many persons convicted of "note jobs" are routinely sentenced under the Career Offender provisions. This, coupled with the sharp rise in offenses committed, will eventually work against the public interest.

WHEREFORE, Petitioner prays that this Honorable Sentencing Commission enact a modification of the **Guidelines** to reflect mitigating circumstances which could remove "note jobs" from the Career

Offender classification.

Dated: 17 December 1991

By: 

John Jay Powers

#03220-028

P.O. Box 1000

Leavenworth, Kansas 66048

Bank robbery rates soar

Hard times, drugs lead many to try life of crime

By Mark Journey

SCRIPPS HOWARD NEWS SERVICE

Albert Gehle was talking to his fiancée about a robbery earlier that day at the bank where she worked when a man quietly walked up to a cashier a few feet away. Minutes later, the man left the bank.

"I've been robbed," the cashier said.

Gehle ran out of the bank, jumped in his car and followed the man to a motel. After the man left his car, Gehle called the police. Minutes later, Chauncey W. Anderson Jr., 61, was arrested.

It happens all the time.

During the nine months that Gehle has been dating his girlfriend, an assistant head teller at a Florida bank, the bank has been robbed at least three times, he said.

But there is nothing unique about the bank's dubious distinction.

In the last year, bank robberies throughout the country have soared, fueled by the recession, drugs and broken dreams, experts say.

They also say bank branches are targeted because they often are in isolated strip centers with few employees and a handful of customers. In addi-

tion, the experts say, banks are increasingly sought out because gasoline stations, convenience and liquor stores no longer keep much cash on hand.

"Florida's unemployment is at the highest level since 1982," said Ted Chiricos, a Florida State University professor who researches the economics of crime. "You've got difficult economics, and robbery is certainly one way to deal with it."

After staying relatively stable for five years, the number of bank robberies in the United States jumped from 6,858 in 1989 to 8,855 in 1990, according to FBI figures.

Unlike the movies that depict gangsters blowing up vaults, entering buildings flashing submachine guns and ordering customers to the floor, modern bank robbers are an unpretentious lot.

In some respects, the bank robbery that police say Anderson was involved in is typical.

Except for the cashier involved in the robbery, few if any bank employees and customers knew that a robbery had taken place.

Many of today's bank robbers have limited criminal experience. Anderson, for example, has no prior record except for a few traffic problems, St. Petersburg police say.

The reason is simple, said Clearwater criminal defense attorney Patrick Doherty: Seasoned criminals know better than to rob banks loaded with cameras and money packs with dye.

December 9, 1992

PCR-35/92

Mr. Paul Martin
United States Sentencing Guidelines Commission
1331 Pennsylvania Ave. Suite 1400
Washington D.C. 20004

Dear Mr. Martin,

One of the worries in our society today is the economy. The biggest wasted expense in our country today is the development of prisons. In order to develop a stable economy I suggest we look into re-evaluating the purpose for these institutes. Federal and state prisons are beyond their capacity. Rehabilitation is the purpose for these prisons, yet I do not see how this system can result into anything positive. The money spent for the construction of these correctional facilities can be used for better causes, such as the education of our children.

I understand that the war on drugs is an important issue, but enforcing the current guidelines to first time, non violent drug offenders will entitle an incredible amount of space. More prisons will be needed, and I for one am tired of my taxes increasing. Just think about it Mr. Martin, the economy is so bad right now that it is very tempting for a jobless head of a house hold to sell drugs. This could be a hard working person who has not committed any previous crimes. Yet their luck runs out and is caught with its hand in the cookie jar. I agree this person made a mistake and needs to pay the punishment, but this persons background must be considered; its the human thing to do. My suggestion is to rather than incarcerate this person with a sentence that is only deserved by, " the King of Drug Smuggling", and spending our tax money on their so called rehabilitation, lets rehabilitate them with something useful. Parole with good behavior after a reasonable time is an alternative. Also, there are many community services and outreach programs that deserve attention.

The purpose of correctional institutions is to rehabilitate these people, but it is not working. I am really scared to think of what could lie ahead, when all these first time, non violent offenders complete their sentence. They will not be rehabilitated, on the contrary they will be angry at the system and other than regretting their crime they will have learned new ones. A good method of stopping all of this extra expense is rather than give a ten year mandatory minimum sentence to some of these first time drug offenders,

give them three years of rehabilitation in prison and ten years probation. During this ten year probation period a certain amount of community service would be required. This method will have many functions, stablizes the population of prisons, rehabilitates the offender and helps the community. If not, as Peter Jennings on The World News Tonight explained on American Agenda, the amount of money it would cost the tax payers to incarcerate one man and by the year "1995" we would have paid 1.8 billion dollars between prisons and so called rehabilitation. This amount of money can be used for other purposes, such as rehabilitation and educating our children. Our children are our future and we need to concentrate on them more than we have been.

Mr. Martin this needs to be looked into seriously. Many prisoners do not deserve the sentence that they have been given. Yes, illegal distribution of drugs must be stopped. By reducing the expense of extra prisons we can educate our children. Education should be the priority of the United States of America. Through education we will have children saying no to drugs and adults with better jobs. Education in other countries should not be better than this great country of ours. Lets focus on the future of this country it's still not to late. Our children are the presidents of tomorrow.

Please focus your attention to this unnecessary mandatory minimum sentence for first time non violent drug offenders. Something must be done soon. I would like to hear back from you. I pray that you have a happy holiday season and a good New Year.

Sincerely,

A handwritten signature in cursive script that reads "Rebeca Navarro".

Rebeca Navarro
PO Box 454234
Miami, Florida 33245

December 2, 1991

United States Sentencing Guideline Commission
Mr. Paul Martin
1331 Pennsylvania Ave. Ste 1400
Washington D.C. 20004

A MANDATORY MINIMUM SENTENCE FOR FIRST TIME, NON VIOLENT
DRUG OFFENDERS MUST BE CHANGED. THIS "1986" GUIDELINE IS
NOT WORKING, IT IS MAKING IT WORSE FOR THE OFFENDER AS WELL
AS THE TAX PAYER. THE AMOUNT OF MONEY THAT IT TAKES TO
SUPPLY THE SPACE FOR NON VIOLENT, FIRST TIME DRUG OFFENDER
CAN BE USED TO EDUCATE OUR CHILDREN AND REHABILITATE THESE
HUMAN BEINGS (LETS NOT FORGET THAT HUMAN). WE
SUGGEST PAROLE WITH GOOD REHABILITATION. WE
REHABILITATION. WE SUGGEST PAROLE WITH GOOD REHABILITATION.
RESPONSIBILITY. WE SUGGEST PAROLE WITH GOOD REHABILITATION.
FLEXIBILITY WI
COMMUNITY SERV.
CHILDREN AND LI

*These are
just some
of many
people that
agree with
my proposal.*

NAME

Robert Davis Miami, FL 33245
[Signature] Bklyn FL 33139
Sophia Slide my proposal. 013467 Miami, FL 33269
[Signature] P.O. Box 5372 N. Charleston SC 29406
Jack Rose P.O. Box 1942 Pittsburgh PA 15254
Maia Ruiz 221 E. 50 St. Hialeah, FL 33013
Harold Westbrook 9110 SW 137 Ave Apt 201 Miami FL 33186
Ester Vera 9755 SW 73RD ST MIAMI FL 33173
[Signature] 6917 SW 127 CT MIAMI FL 33183
Gail Petros 14195 SW 87 St Miami Fla 33183

Maria Zayas 1120 W. 33 ST. HIALEAH FL 33012
Kathy Davis 7200 Fairway Dr, Mia., FL 33014
Maria Lopez 11213 S.W. 174 Terr. Mia. FL 33157
Miguel Solomon 2810 W.W. 175 St CAROL CITY FL 3302
Yolanda Narvaez 19031 SW 133 Ave. Miami Fla 33157
Patricia Lopez 1730 NW 115 St Miami FL 33147
Sarah J. Howard 10447 SW 108 Ave EFL
Eduardo R. Rame 13558 SW 102 Ave 33180
M. Henry 4624 N.W. 15 St 33142
Angel Ojeda 121 NE 174 Street NMBch. 3
Jonathan C. Torre Box 451304 Miami 33245
Rebeca Lima 13414 SW 28 St Miami FL 33175
Raymond Navarro 405 S.W. 96 Court Miami, FL 33174
Maria A. Rodriguez 13414 SW 28 St, Miami, FL 33175
Carlos J. Quinn 1250 N.E. 119 St #1-B N. MIAMI, FL 33
Jesús Betancourt 10361 SW 66 St, Miami FL 33
Yamilé Quintana 10340 SW 50 Terr. Miami, FL 3316
750 97 NE 54 Ave Hialeah FL 330
6890 SW 39 Terr. Miami, FL 33
Mariángulos Rodriguez 13414 SW 28 St.

Dear Sirs,

I'd like to take this opportunity to express my opinion concerning the mandatory minimum law which is now in effect. I would like for the government to realize that when a person is punished for a crime by being locked away from society, innocent children are also being punished, families are being torn apart and our society suffers from the injustice of this law. I am totally against illegal drugs being bought and sold in the United States, however, I feel that innocent people who are a victim of circumstance and first time offenders have been caught up in the crossfire of the drug war which is going on in our country today. These people should not be confined for ten or more years of their lives when they are clearly not a threat to society. In closing I'd like to ask that you change this unjust law to benefit the families of American citizens. Thank you for your time and consideration.

Thank You,
Dorothy Akin

TO: THE U.S. SENTENCING COMMISSION, COMMENTS UNIT, 1331 PENNSYLVANIA
AVE., N.W., WASHINGTON, D.C. 20004

RE: MODIFICATIONS OR REPLACEMENTS OF GUIDELINES.

DATE: DECEMBER 31, 1991

Dear Sir or Madam:

I believe the Guidelines have forced federal courts to impose draconian and outdated periods of imprisonment. I believe the guidelines should either be altered to fit the actual offense, not the hearsay offense conduct now used at sentencing. The disparity the Guidelines were to abolish have now supplanted such with constructive violations of the Eighth Amendment's guarantee against cruel and inhuman treatment of prisoners. The effects of the Guidelines is to give even amounts of ridiculously long and expensive sentences to people who break a law. This is a waste of tax dollars and I want it changed.

I would like to know exactly what sort of proposals will be made to affect changes outlined herein. As I await your reply, I am

Sincerely yours,

Jose Mielles #28488-053
P.O. Box 8000 unit 3A
Bradford, PA. 16701-0980

ATT: GUIDELINES COMMENT SECTION

Mr. Wilkens, Chairman
U.S. Sentencing Comm.
1331 Pennsylvania Ave., N.W.
Washington, D.C. 20004

12-31-91

Re: Comments on Senencing Guidelines.

Dear Reader,

I write this day regarding the "new law" sentences. I understand your section favors responses to these laws and accepts public comment on such to determine if they are acceptable and if the public agrees with them in general.

Although the Sentences seem to be more uniform they also seem drastically out of line with the crime(s) proven at most of the trials I've read about. One example that hasn't failed to escape me is how a person can sell large amounts of guns or drug, or steal alot of money, only to turn into a government witness and testify that others are responsible for his entire series of acts. Of course, one might think this would be a judgment at the time of sentencing by the Court. It does not at all seem that way. Instead of punishing the one who committed the highest offense we end up sending the "little guy" off to spend 5, 10, or more years away from society. This is wrong. This is absolutely wrong. The U.S. Attornies have manipulated this set of regulations to garner only numbers, rather than "quality" convictions that result in imprisonment. I am more than sick from the results of letting the "big guy" go. I read it in the papers and see it on tv all the time.

CHANGES SHOULD BE MADE TO SEND THE WORST TO JAIL.

Furthermore, judges should not be bound by guidelines, but should be allowed to freely depart and state reasons why they believe the certain guideline must be used, rather than why one isn't used (departed from).

I need some answers and would like to see what changes might be taking place. I await your reply and remain

Sincerely yours,

Chris Pita

Reg No - 27255-054

P.O. BOX 8000
UNIT 3A

FCI McLean PA, 16701-0980

TO: COMMENTS SECTION, MR. WILKINS, CHAIRMAN, U.S. SENTENCING
 COMMISSION, 1331 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004
 RE: BELOW QUESTIONNAIRE ON "SENTENCING GUIDELINES".

Dear Sir:

I have filled out this questionnaire because I understand your Commission is asking for public comments on the effects of the Sentencing Guidelines, and what effects they are having on the general public. I submit the following responses for your consideration in compiling data and as my personal choice:

1. Have the "Sentencing Guidelines" had any effect in stopping crimes from being committed? () YES (✓) NO
2. Do you think longer sentences stop crimes? () YES (✓) NO
3. Do you know anyone who was sentenced under the Guidelines?
 (✓) YES () NO
4. Do you think they received a FAIR sentence? () YES (✓) NO
5. Was their sentence too long?(✓) YES () NO
6. Should more tax money be spent on sending federal felons to prison? () YES (✓) NO
7. Do you think the Sentencing Guidelines should be used based on "hearsay" at sentencing? () YES (✓) NO
8. Do you think the Prole Commission should be kept in operation?
 (✓) YES () NO
9. Do you think ALTERNATIVES TO PRISON SHOULD BE EXPLORED AND USED IN ALL BUT VIOLENT CASES? (✓) YES () NO
10. Should the Commission keep "Career Offender" status? (✓) YES
 () NO

Thank you for your time.

Sincerely yours,

H. RAHMAN
24787-037

U.S. Judges Seek Sentencing Flexibility

By MILO GEYELIN
And JONATHAN M. MOSES

Staff Reporters of THE WALL STREET JOURNAL

The nation's federal judges, chafing under mandatory federal sentencing guidelines, are seeking more leeway in deciding how long convicted felons should spend behind bars.

In eight recommendations pending before the U.S. Sentencing Commission, the Judicial Conference of the U.S. has asked that federal judges be allowed to depart more freely from the sentencing guidelines set by the commission. The judges want the power to be more lenient, or tougher, depending on the circumstances.

The judicial conference is the administrative arm of the federal courts and broadly reflects the thinking of the federal judiciary.

The Sentencing Commission hasn't taken any formal action, but last week it took a first step by releasing the recommendations for public comment. Following formal hearings expected in January or February, the five-member commission will decide what recommendations—if any—to forward to Congress for final approval.

In its recommendations, the Conference asked that the guidelines be softened to allow for more flexibility in the sentencing of young or first-time offenders and be clarified to allow for tougher sentences in cases in which offenders have dangerous histories. The recommendations also seek more leeway in offering options to prison, such as parole and community confinement, and would widen the availability of conventional parole.

U.S. Circuit Judge William W. Wilkins Jr., chief of the sentencing commission, said that the Judicial Conference's strong backing of the recommendations was influential in the commission's decision to publish them for public comment and consider them for approval. But he added that "it remains to be seen what support they will gather."

The guidelines force judges to hand down sentences within a range provided on a mathematical grid, taking into account such variables such the amount of money swindled in a fraud, whether weapons were used in a violent crime and the amount of drugs seized in a raid. Judges may depart from the guidelines but must give written reasons that are subject to appeal. Appeals courts have generally frowned on departures from the guidelines, which apply to crimes committed after Nov. 1, 1987.

The system was designed to ensure uniform prison sentences for similar offenses and increase the odds of prison terms for certain crimes, particularly drug trafficking and some white-collar crimes. But fed-

guidelines are so rigid that the judiciary has been stripped of its authority to modify sentences when useful. Moreover, because the range of many of the sentences is so great, judges complain that defendants would rather take their chances in trial rather than plead guilty, this adding to the court backlogs.

The Sentencing Commission will decide in April whether to submit any recommendation to Congress for implementation. The commission's recommendations become law if Congress fails to reject or amend them.

* * *

ATT: GUIDELINE COMMENTS SECTION

Mr. Wilkins, Chairman

U.S. Sentencing Commission

1331 Pennsylvania Ave., N.W.

Washington, D. C. 20004

Re: U.S. Sentencing Guidelines Modification,
See below.

Dear Mr. Wilkins:

I have reviewed the Sentencing Guidelines and the amount of money they have literally wasted at a time when we seem well on our way to another dip in our economy. I am not happy, not at all with the waste of human resources and money put into placing others into a confinement setting. I further see for less than \$3.00 per day we can have someone sent to their own home ("Home-Confinement") rather than the \$70. dollars a day it now cost to house, feed, and care for adults incarcerated. You cannot right a wrong by inflicting further harm: Sending massive amounts of people into a prison system already overcrowded will only breed massive amounts of more sophisticated criminals. Solution: Wind down the Guidelines mandatory sentences, mandate more consideration by Judges before any term of imprisonment is imposed, especially when the offense is not violent.

Please, advise me on what your committee intends to do. Your response would most highly be appreciated.

Very truly yours,

John Bronson JOHN BRONSON JR.

P.O. Box 8000

BRADFORD PA 16701-0980

Dec 30, 1991

To whom it may concern

c/o Sentencing Commission -

This is the first letter I have written on behalf of my son, Danny Hammond, who is currently serving a 10 yr. sentence (no chance of parole, under current law) for selling a small amount of drugs brought on by the government and FBI in order to indict a good friend of his who had previously been acquitted. In order to do this they used my son and his wife's place of business as headquarters for an entrapment operation - using an ex-convict to come in with stolen goods to set them up so they could get a conspiracy operation - which they eventually got - in other words they yielded to temptation.

and broke the law - then they
came in seized their business
and would not even allow
them bail, which we thought
everyone was entitled to. To
make a long story short these
people are not criminals they
have no previous records ex-
cept for a drunken driving record.
We are not saying they shouldn't
be punished - they should as
they broke the law, but 10 yrs
for almost ~~any~~ ^{my} ~~deamenor~~ ^{deamenor} ~~get~~
real. They have longer sentences
than murderers, child molesters,
bank robbers, etc. The judge
Judge Barker in Indpls. when
she sentenced our sons wife
said she was aware that this
was too severe a sentence, but
she had no choice - when she
sentenced our son (the courtroom
was full of people who supported
him) said she wished she could
help him but she couldn't and

left with tears in her eyes -
 This really meant a lot to him
 (our son) because he knew she
 was a compassionate person -
 we did not attend as it was
 too painful for us.

These laws are causing
 untold anguish to so many
 people it is unbelievable.
 Only the ones involved can
 understand, so please listen to
 the ones who are trying to get
 them changed.

Two grieving parents,
 Maurice and Terrell Hammond
 504 Maryland Ave.

No. Manchester Ind 46962
 P.S. They are in their 4th yr. of
 sentence at this time.

3500 Bullock Lane #75
San Luis Obispo, CA 93401
December 31, 1991

Chairman, US Sentencing Commission
1331 Pennsylvania Ave, NW
Suite 1400
Washington, DC 20004

Dear Sir,

I was amazed when the Supreme Court ruled in Chapman v. United States that the courts could use carrier weight rather than drug weight when sentencing for drug crimes. As I'm sure you are aware, some drugs such as LSD are distributed in weights that are so small (in the hundreds of micrograms per dose) compared to the carrier weight, that the old sentencing guidelines for these drugs have been made capricious and arbitrary by Supreme Court decree.

I know of one case in which a teen-aged first-offender was sentenced by this method as if he was carrying enough LSD to dose fourteen thousand people! He'll be almost thirty years old when he is scheduled to be released.

I hope that you, in your position as chairman of the Sentencing Commission, can help influence Congress to pass legislation that will remedy this problem.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dave Gross", with a stylized, cursive flourish at the end.

Dave Gross

PCRI-48/92

Dear Representative

I am writing to urge you to Vote in favor of revising the laws that set the guidelines for determining the weight of L.S.D. in Federal Cases. Someone was wronged in a Sentence. Should someone get 10 yrs for 3 sugarcubes compared to someone who gets 1 to 2 yrs for over 1,000 hits of L.S.D.? Please this is one of the reasons why I would be grateful of you for voting for this law.

Thank
Shelby Crum

PCR 199/92

Dec 30, 1991

Deloris J. Pike

644 Birch Ave.

Cottage Grove, Dr 97424

To the United States Sentencing Commission :-

Dear Sirs :-

I'm writing in response to the article in the Wall Street Journal, dated Dec. 17, 1991.

I think the federal judges should have more flexibility in deciding their cases. It would make the system work smoother and more quickly, and save money and time.

There are a lot of first time offenders being put in our prisons that could do more good on the outside under supervised conditions.

No matter what the crime they could still be productive people, as long as they weren't repeat offenders or someone who is dangerous to society.

Right now the judges hands are tied, so our prisons are over full, and there

wouldn't be such a big backlog of
cases waiting trial.

Sincerely

Walter J. Pike

644 Birch Ave

Cottage Grove, Or 97424

James P. Johnson
Reg# 02786-081
FCI Safford
Rt 2 Box 9000
Safford, Arizona 85546

December 18, 1991 .

To the U.S. Sentencing Commission,

My name is James P. Johnson, and I am a federal prisoner incarcerated in Safford, Arizona. This morning I happened to be reading the December 17, 1991 issue of the Wall Street Journal. Within was an article intitled U.S. Judges Seek Sentencing Flexability.

I may not be considered to have public opinion, but the article has motivated me to write this letter to you.

First I must explain that I am 43 years of age. I have 5 children, and a beautiful wife, all of whom I love dearly. Secondly I am a cement finisher by trade, and have done nothing in my life but work, and work very hard.

I have been convicted by way of plea in Salt Lake City for conspiracy to Manufacture of a controled substance. During the time that motions were being filed in my case the courts denied information that would have shown the true senario of our case. Because of this we had,so we thought no defense, which left me with no alternative but to plea guilty. I never wanted to take a plea of anykind, but with advice of counsel I finally broke. I did it feeling that if the Judge would have been made aware of certain circumstances, and had the power to decide do to these situations I would have come out alot better than I did.

I'm going to give you a few examples of the situations that I am speaking of. First is the fact that the Government purchased all the nessassary chemicals, and glassware. Also they rented a storage shed to place all of this in. But the most amazing part is the payed informant in my case. His name is Paul Alfonso. Mr. Alfonso has a criminal history that begins in 1972 and ends in 1989. In those years, and all years in between he committed felony, and misdemeanor crimes that ranged from drugs, guns, assult, robbery, and even murder. In 1974 he committed Robbery and Murder for which he did six months in a half way house or something of that nature.

He in reality created my case in this manner. I personally did not know him, but a friend of mine did. Mr. Alfonso was at the beginning of my case in the Salt Lake County Jail with four warrents for his arrest, and at the same time was under investigation for murder. The warrents consisted of Attempted Homicide, two for Robbery, and a federal fugitive warrent for drugs out of Riverside, Calif. All he had to do was make a false statement about my codefendent (Larry Jensen), and he was released from jail. I was wrong for my involvement, but if Alfonso would have been left in jail I would be home with my family taking care of them like a man should be. Please don't take me wrong, I incriminated myself for my actions, but none of us prior to this were involved with drugs except Larry who had a previous arrest with drugs that he received from Paul Alfonso. This information was withheld from the courts ears, but I believe that if the Judge could have heard this and had the freedom to sentence accordingly not much of my life would have been taken.

There are always other situations that under the present law have no bearing on sentences, such as family ties, work habits, and hardships before, and after conviction. I have enclosed a personal letter from my wife to the Judge in my case (Judge David Sam). Not all of the troubles are shown in her letter, but I believe that you will be able to understand what she is trying to say.

Here in prison I see so many things that are distressing to me. When I first came here to Safford I went to work in the Kitchen in the dish room. There is enough food thrown away in a day that I could feed my family for at least a month. All of the money that is spent on prisoners that just plain and simply don't need to be here. It just seems that alternative sentencing should be explored and used.

But what distresses me most of all is the fact that I have received a four-teen year sentence. I am in a state of shock! I have alot of kids, and I have always worked all my life. I have only drawn unemployment twice in twenty five years. Now I am in jail with no hope of ever having a chance to be productive again in my life, and I will most likely lose my family. All of this for something were there was know drugs being used or sold except by the governments paid informant, and just the fact

that I personally have never been in trouble for anything in my life. It is scary to think that I will not be released until august of 2002. I have written several personal letters to The Judge but to try and inform him of the above mentioned problems that I am having although with the way things are with the present law his hands are tied. I want a chance to show whoever I can what I really am, not what I am though to be.

My opinion may not be of any value because of my situation, but I for one am very supportive of giving the judges flexibility in deciding what sentence is fair for each defendent that stands infront of him.

Also I would like to mention another problem that I have found here that is also very distressing, and at the same time will show that the guidelines as they are now are not working. I met a man here who's crime is nearly identical to mine, except for the length of his sentence. Because of his plea agreement he was sentenced to a term of 15 months for drugs. If you were to read his PSI you would also be reading mine. From what I understand the guidelines were designed to stop unwanted sentencing disparities. In this particular case it did not work.

Once again I am in support of the judges having the power to sentence as they see fit or at least to look at all aspects and life styles of the person that they are about to sentence. If this was to come about the judge could then be fair and at the same time be humane.

Sincerely,
James P. Johnson

For Honor - Judge Sam's NOV-1991

I am writing to you in hope that you will please read this letter very carefully & hopefully understand why I love & need Jim home as soon as possible.

I am Jim's Common-law-Wife
(James P. Johnson # 02786-081)
please let me tell you a little bit about myself.

I met Jim 6 yrs ago. My husband had left me alone with 3 children, I was on welfare, and was hooked on diet pills.

Jim was my knight in shining armor, he moved me and my 3 children from a run down apartment to a beautiful 5 bedroom home in Midvale.

What Jim was trying to do was show me a way of life, a good life, and my children loved him very much. I kinda had a problem which became so big I couldn't control it anymore. I was hooked on speed & cocaine and after snorting it after awhile I became the needle's best friend.

I would disappear for days
on end and Jim would
always find me + take
me home + take care of me,
I would lie to him, take
money from him, and yes
even ~~steal~~ steal from
him to support my habit.

he always was there for
me + my children. I love
him so much. Anyway
to make a long story short
we had two beautiful girls
together. When the courts
took Jim away from us
the first time, I had no
means of support. I've never
worked a day in my life,
I always had ~~someone~~ my
first husband + then Jim
to support me. I never knew
what a job was. We lost our
first home when Jim was put
in jail. I was forced to go
on welfare again + move in
with my sister + her husband
and their 5 children. When
Jim was released to a halfway
house he immediately
found us another beautiful

home in midvale, he had
him a nice job at Taylor
Construction And my drug
problem was at its worst.
Jim tried to get me to admit
I had a drug problem, but I
hated the word junkie and
could never admit it till
recently. the courts put
jim back in jail & then
prison. We lost our home for
the second time. I was pregnant
with our second child together.
I was again forced to go on
welfare & move in with my
sister & her family again.
After jim was taken from us,
I went & hit bottom, I started
forging checks for my drugs and
I got caught thank God, becus
I don't think I would be alive
today to tell you this story.
This was the first time I had
ever been in trouble with the
law. I was 4 months pregnant
& spent 3 months in jail. I
missed my 4 children so badly
and I missed jim so much
that I didn't want to live
anymore.

My life had fallen apart
right in front of my eyes
And I feel it was all my
fault. After 3 months in jail
Judge Young sent me on the
90 day evaluation. My kids
were with my sister, but I
was going crazy becu I never
knew where Jim was. I was
released from prison Nov 16th 1990
I had our second daughter
Jan 12, 1991. Jim has never
even held her yet. We miss
him so much. I am in
a drug rehab place today.
I can happily say I am
drug free and intend to
stay that way. My children
are proud of me and we
are as close as any family
can be. I want to share
my happiness & the rest of
my life with Jim. his
the best thing that's ever
happened in my life. please
give us a chance, we made
our mistakes, and I feel we
both have paid for them
the hard way. the true
Victims are our children.

Right now they are living with my sister & her husband, they receive a welfare check for caring for our children becuz we cant support them becuz of our situation. What the state pays my sister a month, jim made in 1 week. I cant believe jim even got involved with the people who brang him down. becuz as god is my witness jim has never done any drugs or has ever been in trouble before this. Hes a good man, a wonderful friend, the kind of father I wish I would of had. But most of all Hes the best husband, & the best thing that's ever happened in my life. And I will never take him for granted again. the kids need their father, Our son is 14 and needs him now more than ever our daughters are 12, 11, 3, 10 months old. I am 31 years old, I will successfully complete this program in february 1992. Please help me make our

family Complete. and
help our dreams Come
true, Our lives are in
your hands, I promise
you we won't let you down
let him Come Home, we all
love & miss him oh so much.

Thank You Very
much for your time,
and Consideration,
May God Bless you
Always.

Die Fernandez
1416 So State
Salt Lake City Utah
84105
486-1517 - 466-0754

PCRI-5219
Jan. 6, 1992
Alberte Parks
167-31 110th Ave.
Jamaica, N.Y. 11433

Guideline Comments
U.S. Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite 400
Washington, D.C. 2004

Gentlemen:
The U.S. Sentencing Commission will soon
decide whether to submit recommendations
to Congress for changes to the sentencing guideline
burge your fervant support for sentencing
flexibility.

The rigidity with which judges must
execute the guidelines comprise the potential
of uniform sentencing. Take the case of a
teen-aged, first time non violent offender
a mandatory ten year sentence means
ten years of stifled development in job skills,
ten years without a work history, ten
years of deconstructive socialization and
ten years of no educational advancement

Attento Parks

(Continued)

I am therefore recommending that consideration be given to the severity and the nature of the crime as well as the profile of the convict.

Sincerely,
Attento Parks

LAW OFFICES

Goodman & Chesnoff

A PROFESSIONAL CORPORATION

520 SOUTH FOURTH STREET

LAS VEGAS, NEVADA 89101-6593

OSCAR B. GOODMAN
DAVID Z. CHESNOFF
ECKLEY M. KEACH
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TELEPHONE
(702) 384-5563
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(702) 598-1425
STEPHEN STEIN
OF COUNSEL

December 26, 1991

United States Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, D.C. 20004

Dear Commissioners:

My partner and I, Oscar B. Goodman, Esq., are writing to comment about the recently released recommendations for public consideration. Suffice it to say that we believe the Federal Sentencing Guidelines have in fact inhibited the ability of Article III Judges to render independent consideration for individual defendants in criminal cases. In essence, there must be return of discretion to these Federal District Court Judges in order for there to be meaningful checks and balances upon the legislative and executive branches of government.

The number of young, minority persons receiving incredibly high sentences is a product of the lack of flexibility and judgment which the guidelines mandate. Why not a guideline system that recommends the appropriate range of punishment but permits consideration of age, background and circumstances in sentencing?

We would agree that as a consequence of the inflexibility of the guidelines we have been unable to negotiate many cases that in the past would have been negotiated.

Further, it is a terrible injustice that the only time a Federal District Court Judge can reduce a sentence now is when someone becomes an informant and not for the other more individualized reasons previously permitted.

Both my partner and I practice almost exclusively in the Federal District Courts throughout the United States, and we would be available to testify about our experiences with the guidelines contrasted with our experience prior to their utilization. In addition, we successfully litigated one of the first District Court cases where United States District Court Judge Letts found the guidelines unconstitutional.

We offer any assistance that we can provide the

LAW OFFICES

Goodman & Chesnoff
A PROFESSIONAL CORPORATION

To United States Sentencing Commission
December 26, 1991
Page 2.

Commission.

Very truly yours,



DAVID Z. CHESNOFF

DZC/kl

January 6, 1992

Honorable Judge William W. Wilkins
United States Sentencing Commission
1331 Pennsylvania Avenue, NW
Suite 1400
Washington, D.C. 20004

RE: State of California vs. Nicholls, Howard
Ventura County Case No: #CR27288

Dear Judge Wilkins,

I would like to take this opportunity to bring to your attention the following information with regard to my case.

Transportation of one 55Gal.drums of oil, California Penal Code #25189.5 (c), (No Precedents) receives a 16 month term of imprisonment in the state prison. This constitutes a violation of the 8th amendment rule against "Disproportional sentences.

The Bureau of Criminal Statistics in Sacramento, California, stated that in 1990 there were only two adult felons charged with Health & Safety Code #25189.5(c). (Information provided by: Mrs. Charlotte Rhea 1-916-739-5166).

The transportation Safety Act of 1974, 110(a)(1) as amended, 49 U.S.C.A. App. #1809(a)(1), "Knowledge or Knowingly". Please see Contract Courier Services, Inc. vs U.S. Department of Transportation. 924 F.2d PAGE 112

Also, Section 12 of the Hazardous Materials Transportation Uniform Safety Act of 1990, Pub.L. 101-615, 104 Stat. 3244, which the President signed on November 16, 1990, adds a new 1809 (a) (3) which provides that a person acts knowingly if he has actual knowledge. (In my case, I had no knowledge that my co-defendant was not allowed or did not have a permit to transport hazardous waste.) (FINES ONLY)

In 1974, Congress enacted House Bill H.R. 15223, which created a system of strict liability. The Senate Bill S.4057, authorized strict liability for corporations, but created liability for employees only if they acted with knowledge. (Please see: 924 F.2d. pg. 112)

The Department of Transportation contends that the law is a Remedial Statute, to be construed liberally. Both the statute delegating power and

the rules created in the exercise of that power create legal issues requiring Judicial interpretation. Agencies must translate law from the books, to the world, make a system of paper rules work and the courts learn from this process.

"THERE IS NO RIGHT INTERPRETATION OF AN AMBIGUOUS ENACTMENT"

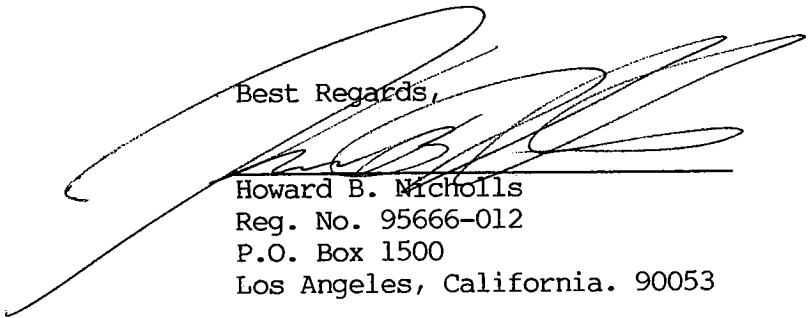
It is clear that with regard to the California Penal code #25189.5(c) and the interpretation of the above statute, the state court has either misunderstood or misapplied the state law in my case.

I would also like to point out that the E.P.A. Dept. of Ventura , California, dropped fish into the 55 Gal. drum of oil to see if the material was hazardous. Only 50% of the fish died, but also if you drop fish into tide water they would die.

In closing, I would like to respectfully request the United States Sentencing Commission to review my particular case to see if an adjustment back to a misdemeanor would qualify, as no other jurisdiction imposes a sentence as severe. I serve my time at the reading of this letter.

Thanking you in advance for your time and consideration on this matter.

Best Regards,



Howard B. Nicholls
Reg. No. 95666-012
P.O. Box 1500
Los Angeles, California. 90053

U.S. Sentencing Commission
ATT: Section Receiving Public Comments.
1331 Penn. Ave., N.W.
Washington, D.C. 20004

January 5, 1992

Re: Effects of Sentencing Guidelines, etc.

Dear Readers:

I understand the Sentencing Commission is now in the process of re-shaping the Guidelines and the Policies used by the U.S. Sentencing Commission. I have a particular interest in this area as I know several people, and their families, who have been very adversely effected by them.

I have seen families destroyed over the use of "hearsay" during sentencing proceedings - where a person who may be involved in the lowest stages of criminal behavior be held responsible for massive quantities of drugs and only because someone who needed a scapegoat to get out of jail remembered this person's name and address. I am overwhelmingly distraught and believe your Commission has created a situation where minor criminals now take the brunt of society's vengeance against importers of massive amounts of illegal drugs. I am disgusted that Americans do this to Americans, and I am sick of seeing little people pay the price for the Noriega's and Leder's.

I would like to see sentencing be fair, not based on hearsay. That is one change needed. The second is giving the judges more discretion in determining when a person will be held a "career offender" or of that ilk, particularly when there is a small crime that will put him in prison for a decade or more.

Finally, I think the existing sentences should be modified to parolable terms.

Thank you for your time. Let me know what the Commission will be doing in the future. Awaiting your reply, I am

Sincerely yours,

Mr Litho Bange
33743-060
FC I McLean

DEPAOLI & O'BRIEN, P.C.

2231 CRYSTAL DRIVE

SUITE 1103

ARLINGTON, VIRGINIA 22202-3711

PATENT, TRADEMARK
AND COPYRIGHT CAUSES

703-521-2110

FAX 703-521-3526

GEORGE A. DEPAOLI

WILLIAM E. O'BRIEN

DOMINIC J. GIANCOLA

STUART D. FRENKEL

January 8, 1992

United States Sentencing Commission
1331 Pennsylvania Ave., N.W.
Suite 1400
Washington, DC 20004

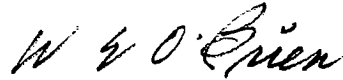
Gentlemen:

I have a young family member, age 23, who has served three years of a five year sentence on a drug charge (marijuana).

I would like to believe that judges should have more flexibility when sentencing, including probation, community service, etc., especially for first time, non-violent offenders.

Very truly yours,

DEPAOLI & O'BRIEN, P.C.



William E. O'Brien

WEO:cae

December 4, 1991

U.S. Sentencing Commission
1331 Pennsylvania Avenue
Washington, D.C. 20006

Dear Sirs,

We would like to petition a serious review of sentencing guidelines and the review of parole options for the non-violent federal offenders. As you may all know, an imprisoned federal inmate costs the taxpayer approximately \$20,000.00 yearly and considering some lengthy sentences, of for example 10 years, equaling \$200,000.00, the cost of this warehousing can be brought even more into perspective.

Certainly intelligent non-violent federal offenders, especially first time offenders, could pay their debt to society in a more constructive way than mopping floors. Alternative sentencing including house arrest and community service not to mention monthly payments the offender could then make would all serve the community, the taxpayer, and the offender for the better.

Besides the financial considerations, such incarceration has been shown to not be necessarily rehabilitative. We should therefore seriously review these guidelines and parole procedures. Thank you.

Sincerely,

Ronald W Curry

 **RONALD CURRY**
P.O. BOX 936
INGLIS, FL. 32649

Guidelines Comments:—

Federal judges should be given the power to be more lenient or tougher, depending on the circumstances.

Guidelines should be softened in the sentencing of the young and first-offender.

The judiciary should have the authority to modify sentences, when useful.

Please don't let this stay on the back burner any longer. It is time for a change and the time is now!!

These are the reasons why our feelings about this are so strong.

We have a 25 year old son that was picked up on a drug trafficking offense by the D.E.A.

The judge that heard his case told him, that even though he played such a minor part in this deal, he had to give him a five year sentence because it was the least amount of time, for the offense, that he could give him. His hands were tied. This was not his choice.

Now he is in a Federal Correctional Institute in Seagoville, Texas and we live Fox Massachusetts. There are now no chances for his family to visit him seeing there are so many miles between us now.

I pray that we can get some of these laws changed so that maybe the next person that makes a stupid mistake doesn't have to be punished so very severely for so many flaws.

P.S. If you know of anyone we could write to to try to get our son transferred to a closer unit to home - we would be very grateful.

Thank you

Robert & Beverly Collins
425 Linden St.
Fall River, Mass. 02720

Fred W. Anderson
400 Central Ave. (Apt. 6-d)
Albany, New York 12206

January 5, 1991

Mr. Wilkins, Chairman
U. S. Sentencing Commission
1331 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Re: Application of Sentencing Guidelines.

Dear Mr. Wilkins:

I understand you have solicited public opinion on the (new) Sentencing Guidelines. These "guidelines" are required to be used by federal judges in criminal case, and cannot be deviated from except in exceptionally (rare) circumstances.

Day to day, Mr. Wilkins, I see the people paraded through the newspapers and on TV that do and who don't go to jail for the offensive behavior often called "crime". It is an obligation of the Government to ensure we, the citizens and taxpayers [the former I've been for my 70 years, and the latter for well over 55 of them] are "protected" and criminals are prosecuted to such ends.

With all this in mind, I turn to a personal situation to judge what is being done to curb crime, who is being put in prison and jail, and who is not.

My views begin with the concept that stability of our country, no matter it's errors along the path of time, is founded in guarding our moral values and not letting politicians manipulate for their own ends. In other words, I believe in self-government and politicians working for the people instead of making the people work for them. Yet, this does not reach the plateau of reason I believe has been lost from sight in our quest to keep the values that have led us to the position of being the greatest

country on Earth.

Mr. Wilkins, I am now retired; I worked all my life and never had any problem(s) with the law. But, I think that has changed, I see alot of trouble with the law: I see immoral (sexual) deviants being given a few slaps on the wrist, people shooting others and going to prison for 3 or 4 years. Then I compare this with my own son, who now has 10 years in prison for \$18.00 worth of drugs. For his \$18.00 "crime", he will be deprived of his family, his work, and all else for almost nine straight years.

Mr. Wilkins, this smacks of Les Miserables. I don't see the big guys in prison; I don't see the child molesters; I do see quite a few hapless souls take the brunt of the vengence we seek to rent on one another, though. And, sir, I am not all happy with the results of the sentences your commission structures.

Brevity being the definitive compliment to intelligence, I bid you a good-day. I am and remain
Sincerely yours,

Fred W. Anderson
Fred W. Anderson

Grisel Crespo
3150 Broadway #3B
New York, NY 10027
January 1, 1992

To Whom It May Concern:

I am writing in hope that through my letter, I will be able to reach out and receive information and hope concerning mandatory minimums.

Let me begin by introducing myself and my story. I am a twenty-three year old hispanic young lady who lives on her own and has worked for the past four years in a nursing home. I have been very well educated and come from a respectable hard-working family. However, for the past year and a half, I have been dealing and coping without my husband of 1 year and 4 months because of a mandatory minimum of 10 years on a federal drug charge.

When I was growing up, I lived with a single parent who taught me independence, strength, and hope for whatever came my way in the future. As the years went by, I was able to go to very good affordable schools and my dreams began to focus. I dreamed of getting a degree in education, meeting a wonderful man, and having a family. I knew my life would always have its up's and downs but I never dreamed of experiencing an experience as I am living now.

As time went on, I wasn't able to finish my education because of financial situations but I was able to get a job in a private nursing home in a comfortable position offering opportunities and financial stability. Also at that time, I met a nice young man who now is my husband. This nice young man came from a very hard-working, respectable family who through sacrifices had been able to give their family only the best. This nice young man also had served in the United States Army and had a very good position in General Motors Corporation for 4 years.

Our first dating year was like any other young girls dating period. However, as one year turned to two, we realized that we were beginning to really love each other and started planning for a future.

Our living environment is not the greatest. We both lived and I still live, in Manhattan, New York City, where if you don't watch out you could be in the wrong place at the wrong time, where your friends are only acquaintances, where drug dealing is giving an appearance of luxury and comfortability, and where to have a good life, one has to aspire hard as to not get caught in the bad side of the city.

Well, my husband's friends were not the best but they were not the worst either. Some were able to do good things and some are with him now. However, when my husband was arrested and charged with a drug charge, not only were we surprised but we were also not expecting what was given.

My husband was arrested in August of 1990. It was his first criminal offense as he was never involved with the law before. When it first happened, my first step was to seek out a good criminal lawyer and I accomplished it. However, with the charge involved and the year that he was arrested in, he fell into a bracket of having to serve a ten year federal sentence. Not only could I not believe my ears, but I also could not believe what we were facing. Seven days after his arrest, we (his family and I) were able to post bail and get my husband out in time for his birthday and for our wedding. As time went on, days passed and I was able to get the story of what had happened. My husband had been given lay-off from his job and bills had started collecting. He hadn't been able to find a job and an offer was brought up which would help him out for \$1,000 dollars. At the time, it seemed like a bit of help but now when he thinks of it, and when he was arrested, it was nothing compared to the price he has to pay. My husband was labeled as a "delivery boy" but with the amount of goods involved he was advised not to take it to trial and plead guilty.

We were married on September 13, 1990, the day of my birthday. This day was not only the beginning of our life but also the beginning of our strength together for whatever amount of years apart. Marriage is a risk at any age but our's was and would be risky everyday.

In the few months, in which my husband was out on bail, he sort of lost hope. All he had in his mind was that he was going to be in jail for 10 years of his life, of our life. On December 10, 1990, he pleaded guilty and was escorted with handcuffs to start doing his time.

During the two months following his plea and his impending sentence, we both went through many changes. He adjusting to life imprisoned and myself to life without him. During these months, we went through a pre-sentence report, which at the time, I thought would maybe help in his sentencing guidelines. Although this report projects a young man with positive goals and a very good background, on February 25, 1991, my husband was sentenced to a mandatory minimum of 97-121 months and 5 years of supervised release.

Ever since my husband's sentence was imposed, we try to think and understand the basis of such a sentence. As a citizen of this society, I cannot act as if no crime was committed but I cannot understand why my husband's and my life has to be put on hold for ten years. I cannot begin to understand the guidelines used to establish such laws. And, furthermore, I cannot understand why an individual's personal background, and work history, is not taken in consideration when establishing punishment for crimes in society.

Ever since my husband has been in custody I have met many people. People who for one reason or another, feel that their loved one's can pay for their mistakes in other ways but because of their communication or their lack of education cannot express how they feel.

My husband and I, however, hope, pray, and feel that soon somebody or some people will realize how unfair laws such as these can be. Taking five, ten, or even twenty years to prove a point to a nation is not the way to resolve problems. Yes, they make one realize and appreciate each other and freedom but it is not stopping or decreasing crimes out here.

There are so many crimes and situations in which punishments warrant such mandatory minimums, but, perhaps after careful screening, they must be put into effect.

An individual is just that word an individual. Someone alone who is responsible for their own actions and someone who's punishment is done on their own. But there are so many individuals who have done mistakes and are waiting for that chance to make up for it. There are many ways for these mistakes to be corrected, for actions to be justified but with clear minds and citizens who want to better society, we can help those confined.

Now as I celebrate my 2nd New Year's without my husband, I expect voices to be heard and laws and regulations to be changed. To be fair and flexible.

I can only ask that my letter will maybe, bring some hope for someone, possibly a reply from another and a change in the system.

Sincerely,

Grisel Crespo
Grisel Crespo

January 10, 1992

U.S. Sentencing Commission
Michael Courlander, Communications Director
1331 Pennsylvania Ave. N., W. Suite 1400
Washington, DC 20004

Dear Mr. Courlander:

I am writing in protest to the new Federal Sentencing Guidelines law. It appears it proposes certain sentences for people now, that conflict with sentences of those already serving terms. Can it be possible that you would propose to sentence someone to a period of house arrest, probation, or community service or a combination thereof, and not give some consideration to those in prison for the same charge and lessen their sentence. Where is justice??? What is fair???

My son was arrested for "conspiracy" to sell cocaine. He never bought it, never had it, never intended to get it. But, through the informant, the FBI learned my son used cocaine, therefore, he was the "fall" guy they wanted to set up. He had an adobe home he bought 13 years ago and has been working on it and building as he could, to make it nice. It was unfinished still, but it was his and he loved it. And also bought and sold classic cars. He loved to refurbish old cars. The FBI wanted what Barton had. Many people have been arrested with cocaine, lots of it, and turned loose because they had nothing the FBI wanted. Or people illegally arrested that didn't even know anything about drugs, and the FBI wanted what they had and never give it back, even though they are innocent. What is our government coming to - thieves???? The FBI informant and his supplier went to my son to get cocaine, because they knew that he used it. After much harrassment, he got some cocaine for them. The informant then went for BIG stuff - a kilo - per the instructions of the FBI - so they could get grounds to arrest my son. Any way my son, Barton Lee Murphy, would not get the cocaine for the FBI informant. He hassled him for a month. The FBI got restless. Barton had told the informant that he did not want to get the kilo of cocaine. He didn't want mixed up in that. But he finally said he would get it to get him to go away and leave him alone. But had no intentions of getting it. And did not get the kilo even after the month of pushing by the FBI. The FBI decided to just get their informant "wired" to go to Barton's home and ask him again to get the kilo and what he would charge, and if Barton didn't get it, it didn't matter, he would go to prison for just saying he would get it. The NEXT MORNING after the tape was done at Barton's home, the FBI broke down Barton's door, the FBI arrested him and sent him to prison for 'Conspiracy'. Ten years. Barton had no guns, no gang serving him, no drugs in his home, not a bit of cocaine in his home at the surprise arrest.

The informant, of course, gets paid a percentage for getting someone arrested. That was what the informant was after. This type of procedure doesn't produce 'patriotic' people, it produces thieves and liars in the 'name' of government. And it shows up in the 'wrong' arrests made and innocent people hurt, even destroyed by government. Doesn't make our government look very good. Shakes our confidence in our country's rule. And NOW what can be done for the young men rotting in prison for something they didn't do. What about them???

Sincerely,

Lorraine E. Murphy

Mr. & Mrs. Cletis Murphy
611 Cochise Circle
Silver City, NM 88061



Kathleen S. Connell
233 Tuckerman Avenue
Middletown, Rhode Island 02840

January 8, 1992

U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W. #1400
Washington, DC 20004

Dear Commission Members:

I write in support of your observations and recommendations particularly as they apply to non-violent, first offenders.

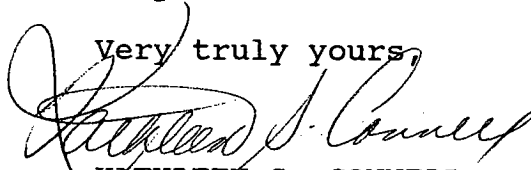
By way of "keeping above board", my husband is currently serving a thirty (30) month sentence in McKean F.C.I. as a result of pleading to a violation of 31USC5324.

While I recognize it is important not to deal with individuals but with principles, on a personal level this bizarre experience leaves me completely convinced that changes are needed and that mandatory minimums are the place to start.

I particularly refer to Observations #3, #5, and most particularly, #7, as important and very valid.

I would welcome the opportunity to elaborate further, and I hope that you will be successful in seeing your recommendations implemented and your observations heeded.

Very truly yours,


KATHLEEN S. CONNELL
Secretary of State

H # 401-847-1356
O # 401-277-2357

Paid for by Friends of Kathleen Connell

Jan 13, 1992
2586 Highland
Detroit MI 48206

Dear Sir:

I understand the Sentencing Commission is now in the process of re-shaping the Guideline and the Policies used by the U. S. Sentencing Commission.

My Son's life has been destroyed. For first time offenders and nonviolent crimes, also Conspiracy and Hearsay Cases, are cases that should be carefully reviewed before sentencing.

I've heard of murder cases, very violent murder cases where the defendant get a few years. Life sentencing for first offence and nonviolent crimes is very stiff.

I would like to see sentencing fair, and not based on the color of your skin. You see stiff sentencing isn't working. The jails are still overcrowded.

And crime is still being committed.
I think other alternatives should
be explored.

Thank you for your time. Let me
know what the Commission will
be doing in the future. Awaiting
your reply, I am

Sincerely yours
Patricia Bailey-Jones
2586 Highland
Detroit MI 48206

U.S. Judges Seek Sentencing Flexibility

By MILO GEYELIN
And JONATHAN M. MOSES

Staff Reporters of THE WALL STREET JOURNAL

The nation's federal judges, chafing under mandatory federal sentencing guidelines, are seeking more leeway in deciding how long convicted felons should spend behind bars.

In eight recommendations pending before the U.S. Sentencing Commission, the Judicial Conference of the U.S. has asked that federal judges be allowed to depart more freely from the sentencing guidelines set by the commission. The judges want the power to be more lenient, or tougher, depending on the circumstances.

The judicial conference is the administrative arm of the federal courts and broadly reflects the thinking of the federal judiciary.

The Sentencing Commission hasn't taken any formal action, but last week it took a first step by releasing the recommendations for public comment. Following formal hearings expected in January or February, the five-member commission will decide what recommendations—if any—to forward to Congress for final approval.

In its recommendations, the Conference asked that the guidelines be softened to allow for more flexibility in the sentencing of young or first-time offenders and be clarified to allow for tougher sentences in cases in which offenders have dangerous histories. The recommendations also seek more leeway in offering options to prison, such as parole and community confinement, and would widen the availability of conventional parole.

U.S. Circuit Judge William W. Wilkins Jr., chief of the sentencing commission, said that the Judicial Conference's strong backing of the recommendations was influential in the commission's decision to publish them for public comment and consider them for approval. But he added that "it remains to be seen what support they will gather."

The guidelines force judges to hand down sentences within a range provided on a mathematical grid, taking into account such variables such the amount of money swindled in a fraud, whether weapons were used in a violent crime and the amount of drugs seized in a raid. Judges may depart from the guidelines but must give written reasons that are subject to appeal. Appeals courts have generally frowned on departures from the guidelines, which apply to crimes committed after Nov. 1, 1987.

The system was designed to ensure uniform prison sentences for similar offenses and increase the odds of prison terms for certain crimes, particularly drug trafficking and some white-collar crimes. But federal judges have long groused that the

guidelines are so rigid that the judiciary has been stripped of its authority to modify sentences when useful. Moreover, because the range of many of the sentences is so great, judges complain that defendants would rather take their chances in trial rather than plead guilty, this adding to the court backlogs.

The Sentencing Commission will decide in April whether to submit any recommendation to Congress for implementation. The commission's recommendations become law if Congress fails to reject or amend them.

* * *

ATT: GUIDELINE COMMENTS SECTION

Mr. Wilkins, Chairman
U.S. Sentencing Commission
1331 Pennsylvania Ave., N.W.
Washington, D. C. 20004

Re: U.S. Sentencing Guidelines Modification,
See below.

Dear Mr. Wilkins:

I have reviewed the Sentencing Guidelines and the amount of money they have literally wasted at a time when we seem well on our way to another dip in our economy. I am not happy, not at all with the waste of human resources and money put into placing others into a confinement setting. I further see for less than \$3.00 per day we can have someone sent to their own home ("Home-Confinement") rather than the \$70. dollars a day it now cost to house, feed, and care for adults incarcerated. You cannot right a wrong by inflicting further harm: Sending massive amounts of people into a prison system already overcrowded will only breed massive amounts of more sophisticated criminals. Solution: Wind down the Guidelines mandatory sentences, mandate more consideration by Judges before any term of imprisonment is imposed, especially when the offense is not violent.

Please, advise me on what your committee intends to do. Your response would most highly be appreciated.

Very truly yours,

Patricia Bailey Jones

2586 Highland

Detroit MI 48206

EXCERPT FROM WALL ST.
JOURNAL, 12-17-91

PAGE B5



TO: COMMENTS SECTION, MR. WILKINS, CHAIRMAN, U.S. SENTENCING
COMMISSION, 1331 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004
RE: BELOW QUESTIONNAIRE ON "SENTENCING GUIDELINES".

Dear Sir:

I have filled out ^{this} ~~this~~ questionnaire because I understand your Commission is asking for public comments on the effects of the Sentencing Guidelines, and what effects they are having on the general public. I submit the following responses for your consideration in compiling data and as my personal choice:

1. Have the "Sentencing Guidelines" had any effect in stopping crimes from being committed? () YES (☒) NO
2. Do you think longer sentences stop crimes? () YES (☒) NO
3. Do you know anyone who was sentenced under the Guidelines?
(☒) YES () NO
4. Do you think they received a FAIR sentence? () YES (☒) NO
5. Was their sentence too long? (☒) YES () NO
6. Should more tax money be spent on sending federal felons to prison? () YES (☒) NO
7. Do you think the Sentencing Guidelines should be used based on "hearsay" at sentencing? () YES (☒) NO
8. Do you think the Prole Commission should be kept in operation?
(☒) YES () NO
9. Do you think ALTERNATIVES TO PRISON SHOULD BE EXPLORED AND USED IN ALL BUT VIOLENT CASES? (☒) YES () NO
10. Should the Commission keep "Career Offender" status? (☒) YES
() NO

Thank you for your time.

Sincerely yours,
Patricia A. Bailey-Jones
2586 Highland Detroit MI 48206

Jan. 20, 1992

Mr. Michael Courlander
United States Sentencing Commission
1331 Pennsylvania Ave N.W., Suite 1400
Washington D.C. 20004

RE: Patricia Moore
#82960-020 Varsity
3301 Leestown Rd.
Lexington, KY 40511-8799

Dear Mr. Courlander

I am writing requesting a copy of the
Federal Register Vol. 57, no. 1, Jan. 2, 1992, also
any other in the future, your attention this matter
would grateful be appreciated. I am confined
at Federal Medical Center (F.C.I. Lexington) it is
very difficult to obtain the update Federal
Register here.
Thank you.

Respectfully Submitted
Ms. Patricia Moore
#82960-020 Varsity
3301 Leestown Rd.
Lexington, KY 40511-8799

January 18, 1992

To Whom it may concern,

Being a tax-payer, a voter and a close relative of a federal prison inmate, I want my voice heard. I am aware of our current prison population, an alarming 1.2 million people are incarcerated in 780,000 prisons, and 450,000 jails. This population has been growing at an annual rate of about 13 percent per year for the last three years. At this rate we will have to build several new prison facilities costing billions of dollars. I realize that criminals should pay for their crimes. But I don't think treating a non-violent, First-offender with the same regard as a repeated, violent offense is fair, or in anybody's best interest. We need to revise the guidelines and give First-time, non-violent offenders a chance, don't treat them like these hardened criminals, Give them a chance.

There isn't one valid reason why a non-violent, First-offense, should result in a long prison term, when we can't afford to keep the violent, repeated offenders in prison, when you think of all the perpetual drug offenders, the chronic sexual abusers, the child abusers, the people who rape and murder, and we can't even keep these people locked-up because of our prison system. Give first-time, non-violent offenders $\frac{1}{3}$ of their sentenced time rather than 85% Let the violent crimes and hard-headed repeated offenders stay in prison where they belong. Chances are, first time offenders of a non-violent crime can be rehabilitated. This would be a big relief on our prison burden. We have to act now, before the problem gets to big! Thank You so much for listening and giving me your time.

Rt. 1 Box 168-J
Chipley FL 32428
904-638-2419

Sincerely

Lisa Mariot Lucas

Angela K. Wilson

1131 W. Secretariat Drive
Danville, Kentucky 40422

January 20, 1992

United States Sentencing Commission
Suite 1400
1331 Pennsylvania Ave., N.W.
Washington, D.C. 20004

RE: Federal Sentencing Guidelines

Dear Sentencing Commission Members:

This letter is regarding the federal sentencing guidelines. I certainly understand the need for uniformity and consistency across the country when sentencing must be done. However, I do believe the mandatory sentence given to first time non-violent drug offenders is entirely too harsh.

My brother received ten years for a conspiracy drug charge. As stated in his pre-sentencing investigation report, his involvement was minor. Prior to sentencing, the judge, prosecuting attorney and parole officer all agreed my brother was a minor player. But, he was given the same amount of time of the "ring leaders". Their involvement consisted of over twenty years. Also, my brother was not permitted by the judge to enter an Alford plea.

Another issue that I found most unfair was the fact that my brother did not have information nor material possessions of worth to in turn trade for a lesser sentence as the "ring leaders" did. My brother was sentenced totally on hearsay evidence. He had never been in trouble before.

I would like to know where the federal government was ten years ago when all these drugs were being permitted to enter this country? The drug problem should have been main priority ten or fifteen years ago. Then maybe today our prisons would not be so overly crowded. I believe we have gone about the problem all wrong. It would be interesting to know exactly how many federal inmates are non-violent first offenders and facing a ten year term. Personally, I believe ten years for these young people will do more harm than good.

Being a mother and educator, I certainly see the importance in stopping this drug problem. I teach drug education and probably do so from a more personal aspect than most to get the message across. However, when I compare the sentence of drug offenders to those of more violent crimes, it is hard to understand the discrepancies of time given.

Since the guidelines are due to be reviewed at this time, I urge you to lessen the time given to first time, non-violent offenders. Why not let them serve two or three years and finish the remainder of time on probation and community service. This way they can hopefully return to the work force and support their families instead of the government having to do so. Thank you for any consideration given to this letter.

Sincerely,

Angela Wilson

Angela K. Wilson

mh

100 Cathedral Manor
Bardstown, Ky.
Jan. 20, 1992

United States Sentencing Commission
To Whom It May Concern:

This is in regard to the
Sentencing Guidelines - a letter
^{sent} from Wendell Ford's office

I am glad to know they
are subject to criticism and
revision. These guidelines on sentencing.

I would like to say that
I cannot see the fairness here
of letting some one take the "rap"
for another person's testimony, ^{some}
who is also involved possibly in the crime.
Are not all created equal?

If so, how fair is this action?

That seems to be the trend (as well as)
especially in many of the
drug related cases. I think this
needs to be looked into and
some re-thinking of this policy.
Put into effect. Thank you, D. J. [unclear] SCN.
(Please see back.)

Another area in these Guide lines that need changing is the length of sentences. Many non-violent offenders are receiving more time than violent offenders. Again the question of fairness comes to mind. Also a chance to prove less time would be helpful, as well as doing away with non-parole existing conditions. One needs a chance at parole, at least another chance to try again. Thank you

Good conduct provision also needs to be brought up and the time decreased on minimum mandatory sentences. Please consider this. Thank you for considering all or any of these changes.

To whom it may concern

Regarding Sentencing Flexibility

I am in agreement with the others that say give the judges a little more say in handing out sentences. They need to be able to hand down a lighter sentence to someone under certain circumstances. A strict guideline is good but not always perfect.

Sincerely,

Julie Adams

R.F.D. #1 Box 1350

Richmond, Maine

Jan. 24, 1992

Dear Sirs:

We would like to offer our
Comments about the sentencing flexibility.

We believe that the federal
judges should have the power
to be more lenient or tougher,
depending on the circumstances.
Especially in the sentencing of
young or first time offenders.

Sincerely yours,
Dorothy Wallace
Robert C. Wallace

January 21, 1992

Mr. Mike Courlander
Suite 1400
331 Pennsylvania Ave. , N.W.
Washington, D.C.

Dear Mr. Courlander:

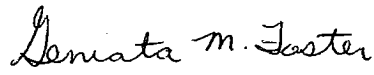
RE: Commission on Sentencing

This letter is concerning first offenders who are serving time under the new federal guidelines for drug charges.

Recently, I was told that in January these guidelines will be reviewed and possibly be reduced. I understand that the first 180 days of 1992 the Commission will be taking suggestions on changes to these regulations. I suggest that first offenders of marijuana with NO CRIMINAL RECORD and no indication of any monetary gain should serve no more than one year in prison and then be paroled.

Please present this suggestion to any member of the Commission Board.

Sincerely


Geniata M. Foster
HC 74, Box 9
Coopersville, KY 42611

January 22, 1992

Michael Courlander
Communications Director
U.S. Sentencing Commission
1331 Pennsylvania Avenue N.W.
Suite 1400
Washington, DC 20004

Dear Michael:

I am the sister of a man who is presently incarcerated at FCI Petersburg. His name is Daniel J. Donlon #17272-038. He is a victim of Mandatory Sentencing. I am appalled at the judicial system today. You have rapist, murderers and child molesters that receive a slap on the wrist when compared to some of the Mandatory Sentencing being used today. I would like to voice my opinion to any committees or persons that may have an influence in this matter. If you could give me any kind of direction in which I may focus my concerns it would be greatly appreciated.

Sincerely,


Denise Sullivan
112 Dracut Road
Hudson, NH 03051
(603)881-8289

Mrs. Charles E. Gresham, Jr.

*3802 Spring Meadow Drive
Ellicott City, Maryland 21043*

January 26, 1992

Chairman
U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Sir:

I am but one of many writing to you regarding the U.S. Sentencing Guideline Modifications. My concern is somewhat biased, as my husband is presently incarcerated under these very guidelines. I have seen firsthand how unfair the guidelines are to a first time offender, and the narrow perimeters at the federal judges' disposal.

My husband is presently incarcerated at the McKean FCI in Bradford, Pennsylvania, far from our home in Maryland. The location of this facility precludes routine visits from our family which also includes my husband's elderly parents - too frail to make such an arduous trip to such a remote area. Inasmuch as he is their only child, their health has deteriorated drastically - I wonder if indeed they will survive his incarceration.

Due to the prolonged and adverse publicity generated by my husband's case, the careers of our children were placed in jeopardy, and I am left home alone with mounting legal debts and the prospect of losing our home of twenty-one years. Regardless of the amount of time my husband has left to serve, he could be no more contrite, no more penitent than he is today for all of the pain and heartache he readily acknowledges his actions has inflicted on our family - who are totally innocent of wrong doing!

The Government cannot right a wrong by imposing further pain of confinement and separation on a family already in crises! If alternatives to prolonged incarceration could be implemented - such as - probation, house arrest, the opportunity to serve out a sentence with community service - the Government will demonstrate once and for all that first offenders deserve an opportunity to rehabilitate, and to do so in familiar surroundings, with the love and support of their families....

This compassionate reform would indeed go a long way to providing the much needed space in FCIs - allocating that space to the violent criminal, the sophisticated criminal, the repeat offender, and those who deal in all aspects of drugs.

Sincerely yours,

Mrs. Charles E. Gresham Jr.

In February of 1991, an article in the Criminal Law Reported stated that "Judges went below the minimum mandatory guidelines for drug 'mules'. The Government filed a motion to reconsider the sentence and that motion was denied".

Judges should be given back their discretionary powers to sentence defendants on a case by case basis.

Thank You,

I have a family member or friend in prison Yes ☒ No ☐

Comments I agree that imprisoning first
time, nonviolent, drug offenders for
10 or more years is a waste of money
and a non-productive method of rehabilitation

Name: GREGG SLOAN

Address: 6220 CORONA

FT. WORTH, TX. 76180

January 8, 1992

ATT: GUIDELINE COMMENTS SECTION

Mr. Wilkins, Chairman
U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: U.S. Sentencing Guidelines Modification

Dear Mr. Wilkins:

I have reviewed the Sentencing Guidelines and the amount of money they have literally wasted at a time when we seem well on our way to another dip in our economy. I am not happy, not at all with the waste of human resources and money put into placing others into a confinement setting. I further see for less that \$3.00 per day we can have someone sent to their own home ("Home Confinement") rather than the \$70.00 a day it now cost to house, feed, and care for adults incarcerated. You cannot right a wrong by inflicting further harm: Sending massive amounts of people into a prison system already over crowded will only breed massive amounts of more sophisticated criminals. Solution: Wind down the Guidelines mandatory sentences, mandate more consideration by Judges before any term of imprisonment is imposed, especially when the offense is not violent.

Please advise me on what your committee intends to do. Your response would most highly be appreciated.

Very truly yours,

Bernie Genter
42 Washington Street
Laurel, D.C. 20707

ATT: UNIT ACCEPTING PUBLIC COMMENTS ON GUIDELINE/SENTNECE MODOFICATIONS
U.S. Sentencing Commission
1331 Pennsylvania Avenue, Northwest
Washington, D.C. 20004

January 21, 1992

Re: Proposed Recommendations of Judicial Conference & Advisory Comm.

Dear Readers:

I am interested in supplying the Commission with my opinions on proposals made by the above entities (a copy of same is attached). I have circled those I think are appropriate and necessary for corrective measures and to ensure impartiality while utilizing the Dept. of Justice resources to restore citizens to an active, positive role in our society.

I have also crossed-out the items I think should be deleted.

Thank you for taking my comments and criticism into consideration in this rather touchy matter. I remain

Sincerely yours,

Bernardo Crespo
33210-054
Please help us!

CHART 1
COMPARISON OF JUDICIAL CONFERENCE AND ADVISORY COMMITTEE
RECOMMENDATIONS

Advisory Committee	Judicial Conference
Deal exclusively with substitutes for imprisonment.	Deal with relevant conduct, use of offender characteristics, and acceptance of responsibility as well as with substitutes for imprisonment.
Expand the availability of substitutes to offenders not currently eligible for some substitute.	Would not expand the availability of substitutes to offenders not currently eligible for some substitute.
Do not expand the availability of "straight probation."	Expand the availability of "straight probation" to two more cells.
Expand the availability of probation with conditions of intermittent confinement, community confinement, and home detention to 15 more cells.	Expand the availability of probation with conditions of intermittent confinement, community confinement, and home detention to 10 more cells (those that currently allow only the "50-50 split" sentence).
Expand the availability of the "50-50 split" sentence to 15 more cells. Maintains the current requirement that, to use a substitute in conjunction with some time in prison, at least half of the Guideline minimum must be served in prison.	Would not expand the availability of a split sentence, but eliminates the requirement that the prison portion of the split must be at least half of the Guideline minimum, substituting a requirement for at least one month of prison.
Reduce the equivalency ratio for home confinement from the current 1:1. Home detention (at home except for excused absences, including employment) would substitute for imprisonment at a ratio of 2:1 for a maximum of 24 months. "Residential incarceration" (continual confinement in the home) would substitute at a ratio of 1.5:1, for a maximum of 12 months.	Maintain the current 1:1 equivalency ratio for home detention (which would cover the more restrictive "residential incarceration," as well).
Expand the types of substitutes available to those currently and newly eligible for alternatives to include: •Intensive supervision at a ratio of 3:1 for a maximum of 12 months, equating to a 4 month substitute for imprisonment. •Public service work at a ratio of 12 hrs. to 1 day for a maximum of 1,080 hours, equating to a 3 month substitute for imprisonment.	Maintain the current list of substitutes (intermittent confinement, community confinement, and home detention).

2835 31st Place
Washington, DC 20018

January 17, 1992

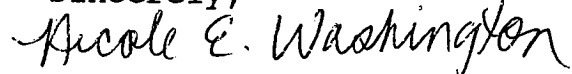
US Sentencing Commission
1331 Pennsylvania Ave., NW
Suite 1400
Washington, DC 20004

To the Commission:

Yes, something needs to be done about the escalating crime and violence in our society. People who break the law should be punished. Mandatory minimum sentences, however, are not the answer. To give someone 20 mandatory years for a nonviolent offense, such as drug possession, is ludicrous, especially since people convicted of violent crimes often receive less time. The punishment should fit the crime, and to sentence a young man, who is no threat to society, to 20 years for a nonviolent offense is a waste of the taxpayers money and a sad waste of a life. Further, young men imprisoned for years become hostile- leading to more problems when they are released.

I am writing to urge revision of the mandatory minimum sentences, which would allow the Judges more flexibility in their sentencing. Sentencing should be based on variables such as whether it's a first time offense, and the nature of the offense (violent vs. nonviolent), and options such as parole, community confinement and time off for good behavior should be considered.

Sincerely,

A handwritten signature in cursive script that reads "Nicole E. Washington".

Nicole E. Washington, Esq

January 26, 1992

United States Sentencing Commission
1331 Pennsylvania Avenue, Suite 1400
Washington, D. C. 20004

Gentlemen:

It is about time someone has addressed some issues of the Federal Prison System. There is not any sense awarding only 54 days per year for "Good Behavior". That is not an incentive for prisoners. 108 days is hardly an improvement, but the sonner we can rehabilitate these people and send them back into society to work and pull their own weight the better.

I am not sure if your Department has anything to do with the Mandatory Minimum Sentences, but I would appreciate someone passing my letter on.

I know of a man that was convicted of distribution and conspiracy to distribute 190.8 grams of methamphetamine. He was sentenced to 20 years, another 5 years for a gun, (which he did not use or carry), 10 years supervision upon release, 250 hours community service and \$300.00 fine. All of this even though he never had any drugs. Why is the man doing time the equillivant of a 3 Murder Conviction?

I attended the trial and have in my possession, the pre-trial investigation and the trial transcripts to prove all of what I have written.

Thank you,

Michael J. Shea
303 S. E. 141st Street
Portland, Oregon 97233

Michael J. Shea

January 21, 1991

Box 218

Hustonville, Kentucky 40437

United States Sentencing Commission

Suite 1400

1331 Pennsylvania Ave., N.W.

Washington, D.C. 20004

Dear Sirs:

I have been informed through Sen. Wendell Ford that the federal Sentencing Guidelines are up for review this month. It is my understanding that your Commission seeks comments in various areas of this from the general public. There are several comments I would like to make and a few questions I would appreciate answered.

I understand these guidelines are an attempt to add uniformity and consistency to the federal sentencing process throughout the country. My comments are regarding first-time offenders of drug charges with no gun involvement.

Prisons are necessary for violent offenders and should be used as a deterrent to crime. Nevertheless, we are spending a great amount of money housing many non-violent offenders for many years because of these mandatory sentences. In addition, many of these offenders families go on welfare. Also, there is the loss of Social Security that is being paid in by these offenders serving long sentences.

Many of these first time offenders are not a threat to society. Serving a percentage of their sentence should help them to be aware of the importance of obeying the law. Many first offenders did not realize just what breaking the law could mean to them. A lesson must be learned, but should we be using the long, mandatory sentences to teach that lesson to the first time offenders.

The purpose is to rehabilitate not just house these non-violent offenders. Spending these long years in prison could do more harm than good. I don't feel that is the purpose.

Perhaps the percentage of time served before parole should be lessened. Therefore, they will still be accountable for the time sentenced but a larger time of that will be spent on parole. Serving 80% of a sentence for a first time offender will continue to keep many of our prisons overcrowded.

I hope that as you review these guidelines that you can see the reasoning in lessening these guidelines for first-time, non-violent drug related offenders. A larger percentage of their time could be spent out in society. If they are not a danger to public safety, their space in prison could be used by those that are a danger. If we are spending large sums of money to house inmates for long periods of time, it needs to be those from whom society needs to be protected. I hope the new guidelines will show more leniency to these first-time offenders.

In closing, I understand you will be issuing a report to Congress by May 1. How does the general public find out about that report? Do I write you again and ask for the report or is it made public and if so, where?

Thank you so much for your time. I hope I will hear of some positive changes for the next year.

Sincerely,

Marilyn Hafley

Marilyn Hafley

January 24, 1992

United States Sentencing Committee
1331 Pennsylvania Avenue NW
Suite 1400
Washington, D.C. 20004

Dear Sirs:

The most recent figures according to the National Institute of Justice show that it cost the taxpayers roughly \$75,000 per bed to construct a prison; that is over 50% of the average cost of a new home in this country. Add to that the average useful life of a prison being less than one-half of that of a new home, and the annual cost to operate in excess of \$20,000 per person, fully two-thirds of the American medium household income. While these people are incarcerated, who is taking care of their families? In a great many cases, the taxpayer.

The number of federal inmates has tripled over the past ten years and the Bureau of Prisons estimates that it will double over the next four. At this rate, by the end of this decade the prison population will be in excess of one-quarter of a million, they will be costing us over ten billion to operate and we will have wasted over twenty billion constructing these obscenities to human decency,

Due to unreasonably harsh Sentencing Guidelines, many first-time, non-violent, minimum culpability offenders are being sentenced for ten, twenty and thirty years in prison. Educated, passive individuals unwittingly caught up in the troubled economic climate of the past few years who had no personal gain, and whose crime would have been no more than "cutting corners" during good times, face many years in prison. Surely these people are part of the life-blood of our economy. Forced restitution and community service make sense, but depriving them along with non-violent and first-time offenders of their freedom and their families just gives them the opportunity to adapt criminal behavior, become hostile, bitter and full of resentment against society.

As a taxpayer and a voter who has a family member or friend in prison, I respectfully demand that these circumstances change.

Mandatory Guidelines must be revised downward and judges must have more flexibility when sentencing.

The "Burden of Proof" for potential to flee and danger to the community must rest with the government even after conviction on non-violent crimes regarding bail applications.

Alternatives to Incarceration must be implemented, such as:

Probation
House Arrest
Restitution and Community Service
Deportation

The percentage of time-served must be lowered from the current eight-five percent back to one-third for first-time and non-violent offenders. Parole, time off for good behavior and "extra good time" must be reinstated. The five days per month credit for good time must be restored for those inmates who work in the prison. Non-violent, elderly and sick individuals should be given House Arrest.

The obvious benefits of these alternatives are that the taxpayers' money will be saved and first-time and non-violent offenders will have a chance of rehabilitation. Building more prisons will neither solve nor alleviate the problem. It is our duty to strive to be a regenerative and not a punitive society. I urge you to make these necessary changes.

According to Michael J. Sniffen, Columnist for the Associated Press, "criminal justice system is in a jam as feds run out of jail cells and inmates are doing their time inside marshall's vans driving on U.S. highways" (and in planes, trains, and "bullpens" from coast to coast).

Inmates across the nation are sleeping on concrete floors, being kept in solitary confinement or being locked in small cells up to twenty-four hours a day due to overcrowding and lack of qualified personnel.

The Criminal Law Reporter on February, 1991: Judges went below the minimum mandatory for drug "mules". The government filed a motion to reconsider the sentence. The motion was denied. We need to give Judges more power to investigate in the Criminal Law Reporter, the number of similar cases.

Let us work together to make the nineties the decade of mercy, progress and common sense.

Very truly yours,

Lois J. Werner
16 Peskin Rd.
Farmingdale, NY 11737

Orville L. Frondle
1401 - Mt. Vernon Rd. S.E.,
Cedar Rapids, Iowa 52463

U.S. Sentencing Commission
1331 Pennsylvania Av N.W.,
Suite 1400
Washington, D.C. 20004
Honorable Wm. W. Wilkins Jr,

20th January, 1992

Dear Honorable Wm. Wilkins,

As your constituent I would like to express my concern about a serious injustice in the American justice system that you can help correct.

In 1986 and 1988, Congress passed mandatory sentencing laws for drug offenders and firearms offenders. These laws prohibit judges from considering any of the facts of a case when sentencing except the type of drug and it's weight. The judge simply looks at a grid to find the predetermined sentence and he cannot depart from that sentence. In most cases the sentence is at least five years and often it is 10, 15, 20 years or more. Because there is no parole, the offender serves the full length of a sentence. In theory, this system might seem a good way to reduce drug use and crime. But in practice, it isn't working. Nonviolent first offenders are receiving longer sentences than rapists, murderers, and child molesters. The nonviolent offenders are filling up the prisons faster than the state can build them, so violent felons are granted early release to make room for these nonviolent offenders.

The Bureau of Prisons projects that it will cost \$5.2 billion in 1992 to build enough prisons to house the exploding prison population. Our tax dollars could be better served by expanding already existing "Boot Camps" for the nonviolent offenders. Thereby providing more room for the violent offenders. In the prison system this could lessen the strain and opposition toward building new facilities. We cannot ignore the fact of physically violent offenders getting less time than drug offenders who have not committed an act of violence. Nonviolent drug offenders have caused hurt to their families by having absent parents, and to themselves by not being a productive part of our society.

Please consider doubling 54 days time-off for "good time". this could also play a key role in assisting in the over crowded prison population.

The U.S. Sentencing Commission released a report on mandatory minimum sentences. It reports that these sentences cost an additional \$79 million to \$125 million in 1990. It was also found that the drug king importer is more likely not to receive a mandatory minimum than the street level offender. It's clear that the sentences are not doing what they were intended to do. Instead, we are sending a message to our society. Don't be a street drug offender. Be a drug king importer. You serve less time, and in many instances can get even lesser time by being an informant against those you sold drugs to. Not only do they make the big money, but they get out of prison at a reasonable age. Not a good message to our society. We must insist that all who play must pay. I know about mandatory minimums because my brother is serving one. The judge was forced to give him 97 months because of the mandatory minimum. The judge's hands are tied. If this is the case then what judgement do our federal judges really have? My brother had a decent job painting houses. With his income he purchased food, paid bills, cared for his children. Now his family depends solely on state aid for their income. What is it costing our government to provide for these families while the main breadwinner is in prison? I understand that Steve's drug offense cannot go unpunished, yet the punishment does not fit his crime. How can any man leave prison a better citizen in this situation? Is this the true American tradition of Justice?

By charging street level drug offenders for what the drug king importer deals with, or in, we are again sending a poor message. Not only are we responsible for our own actions, but now we are being told we're responsible for others. Are we to become a country where people are to police people? Has a communistic like attitude died in one country only to be re-born in ours?

You can help restore justice to the American public. Yes, the drug problem in this country is bad, but stripping a judge of his ability to determine the appropriate sentence does not solve the problem...it only creates new ones.

The House Judiciary Committee is considering holding hearings on mandatory minimums in January or February. Please contact Rep. Brooks and Rep. Hughes to offer them your support. And whenever mandatory minimums are discussed, please consider whether justice really is being served.

As your constituent and a member of Families Against Mandatory Minimums (FAMM), I am vitally concerned with your position on this issue. Please write back and let me know if you will support changing the mandatory minimum laws.

I look forward to hearing from you soon.

Sincerely,



2112 Hampton Ave.
Pittsburgh, PA 15218
February 2, 1992

William Wilkens, Jr.
Chairman, U.S. Sentencing Commission
133 Pennsylvania Ave., NW
Suite 1400
Washington, DC 20004

Dear Mr. Wilkens:

It is my understanding that the Sentencing Commission is currently considering making adjustments to the Sentencing Guidelines enacted by Congress as the "Uniform Sentencing Act." I do not feel that these Guidelines have in any way made punishment more equal, that they have in any way served to protect the public from dangerous criminals, or that they have in any way assisted in reducing crime in America.

I would like to address the following issues, and hope that you will take them under consideration in revising the guidelines.

- 1) It is time to make sentences less draconic. The current sentencing situation, aimed at reducing drug sales has failed abysmally. Long drug sentences have no deterrent effect. Consider this, the next time you drive at 75 mph in a 65 mph zone. Furthermore, the majority of people who will "learn their lesson" from a jail sentence will learn it more effectively with a sentence of one or two years than with a sentence of 15 or 20 years. Unduly harsh sentences do not teach respect for authority, they teach contempt for it. This reaction takes place not only in the prisoner, but in his family and friends.
- 2) Return to Judges the authority to make decisions within the sentencing hearing appropriate to each individual case. Allow reasonable leeway for sentences to be reduced for first time offenders, youthful offenders, victimless crimes, and the character of the offender. As the law stands now, a computer can do the sentencing; there is no need for a judge. We may have order, but the Preamble to our Constitution states that our national goal is "to establish justice," not to establish law and order. The two terms are not synonymous. Lets return justice to the Courtroom.

William Wilkens, Jr.
February 1, 1992
Page 2

- 3) Abolish Mandatory Minimums. I do not think I need to address this issue, as I have read the Sentencing Commission's report on this subject. You know, and I know, that this creates ridiculous disparities in sentencing.
- 4) Return parole. As the law stands now, an individual who acts as an intermediary between two dealers but does not deal himself, and is not in any way involved in violence, may receive a 10 year sentence of which he must serve every day, less only his good time. A convicted rapist may receive 15 years for his crime, but is eligible for parole after 5. This is bizarre, especially since it is the drug intermediary who is most likely to benefit from a short term sentence and not return to prison. I am not arguing that we should deny parole to the rapist. I am saying that responsible citizens should have the opportunity to review the efforts made by prisoners to reform, properly encourage those efforts, and reward those efforts where appropriate with parole.

It must further be considered that keeping an individual incarcerated is an expensive proposition, costing an estimated \$20,000 per year per person. Our prisons, including our newest ones, are overcrowded. In fact, by the time those prisons currently being built are completed and open for business, they will be overcrowded. Removing from prison those people who do not belong there will both save money that the national budget can ill afford to waste, and free funds allocated to the Justice Department for use on rehabilitative programs that would have genuine effect in reducing crimes.

- 5) Clarify the "paperweight" issue in LSD sentencing. This anomaly in the law, clearly created by a Congress ignorant of LSD, has resulted in people receiving incredibly long sentences, not for selling drugs, but for selling paper. I am enclosing a copy of a letter written to Senator Biden on this issue which further details this subject. This correction to the law should be "grandfathered" so that individuals currently sentenced to 6 months for selling LSD and 10 years or more for selling paper have their sentences readjusted to reflect their actual crime.

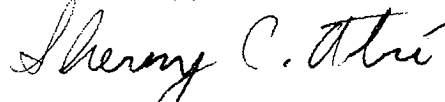
Frankly, Mr. Wilkens, I believe that we would be best served if laws punishing drug usage were eliminated, if drugs were legalized and sold under government control and supervision (as the drugs alcohol and nicotine already are), and if the moneys spent in a futile effort to control what is actually normal human behavior were redirected. These monies should be used for educating people so that they make responsible choices about drugs usage (such as don't drink and drive, don't drink to excess, don't smoke in the presence of non-smokers).

William Wilkens, Jr.
February 1, 1952
Page 3

However, until the time comes that we have a governing body interested in reducing crime, one that demands that our national wealth be used to improve the welfare of our populace rather than for the oppression our people, I demand that at least our sentencing body not waste its funds in the outrageous manner which it currently does.

Releasing one non-violent prisoner of the Drug War would free \$20,000 per year to hire an additional employee of our sadly understaffed Park Service with enough extra to make repairs to one of the decrepit homes. Park Service employees are offered as residences. I therefore strongly urge you to implement the changes which I have suggested above.

Sincerely,

A handwritten signature in cursive script that reads "Sherry C. Atri".

Sherry C. Atri
Tax Payer for 25 years
Regular Voter for 21 years

Jan. 30, 1992

To Whom this Concerns:

I am writing regarding the new guide laws on drugs. Every one I have talked to & I think they are very unfair. I think the old ones were enough, I feel the new laws were made basically for Politics. Yet when the big people get caught some way they can pay their way out very early, they might get a yr. & parole or home arrest. Probably most of our Politicians are somehow connected with drugs, but it seems like the little guys get all the time.

My son was caught up in a drug dealing "Conspiracy" never got ~~ca~~ caught with any on him & got five yrs. from the new guide laws. Even the magistrate he went before in Tampa, said she didn't want to give him 5 yrs, but her hands were tied she had to go by new guide lines. We his family are suffering for this, we had to come up with \$10,000. for a attorney, which didn't help any, If my son was such a big thing in drugs, we his family would not have

been drained for the \$10,000. He would have had his people or money, if he was big drug dealer.

I think the new guide laws should be gone over + maybe even taken back to the old ones. It seems like the politicians are more concerned over drugs, than they are over people who go out + kill innocent people + child abusers + robbers, when you do buy drugs you have a choice but when some one kills or hurts some one they have no choice. It seems if our prisons are so crowded they would take some of the less violent people out + save prisons for the bad ones; even if it means putting some state prisoners into Fed. prisons. It seems all the very violent people go to state prisons and are out in half time + when you go to Fed. prison you have no good breaks

I think the Congressman + politicians should think about what I've said, because most every one I talk to feel the same way:

"Murders should go to Fed. + serve all their time not to state P. + get out early" A Very Concerned Mother
Martha Butler

U.S. Sentencing Commission
ATT: Section Receiving Public Comments.
1331 Penn. Ave., N.W.
Washington, D.C. 20004

January 5, 1992

Re: Effects of Sentencing Guidelines, etc.

Dear Readers:

I understand the Sentencing Commission is now in the process of re-shaping the Guidelines and the Policies used by the U.S. Sentencing Commission. I have a particular interest in this area as I know several people, and their families, who have been very adversely effected by them.

I have seen families destroyed over the use of "hearsay" during sentencing proceedings - where a person who may be involved in the lowest stages of criminal behavior be held responsible for massive quantities of drugs and only because someone who needed a scapegoat to get out of jail remembered this person's name and address. I am overwhelmingly distraught and believe your Commission has created a situation where minor criminals now take the brunt of society's vengeance against importers of massive amounts of illegal drugs. I am disgusted that Americans do this to Americans, and I am sick of seeing little people pay the price for the Noriega's and Leder's.

I would like to see sentencing be fair, not based on hearsay. That is one change needed. The second is giving the judges more discretion in determining when a person will be held a "career offender" or of that ilk, particularly when there is a small crime that will put him in prison for a decade or more.

Finally, I think the existing sentences should be modified to parolable terms.

Thank you for your time. Let me know what the Commission will be doing in the future. Awaiting your reply, I am

Sincerely yours,

Maria Mendez
4005-5th ave
BRlyn NY 11232

ATT: PUBLIC COMMENTS SECTION
U.S. SENTENCING COMMISSION
1331 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20004

Re: Proposed Changes in Policies and Sentencing Guidelines.

Dear Reader,

I take this moment to contact the U.S. Sentencing Commission in regards to the actual effects it's policies are having on crime, societal values, and changes that may more equally apply Justice. I know the Commission is in the stage of drafting and submitting proposed changes to the Guidelines and I wish to make my points known.

Basically, I cannot condone lowering weapons offense charges, but increasing penalties for somewhat non-violent and minor crimes. Furthermore, I daily see the tragedies befallen people who have committed very small offenses involving drugs, or theft, as but two examples. Intermediate "sentences", with mandatory community confinement, counseling, and alternatives other than a prison cell should be expanded to include all but the most violent offenders. The violent offenders should be offered programs in which to learn and deal with the reality they refuse to accept, much as drug addicts are.

I hope you have more positive results with the proposed policies. It is a shame to see whole lives wasted based on mere vengeance.

With best wishes,

Maria Mendez
4005 15th Ave
Bklyn, NY 11223

1/30/91

U.S. Sentencing Commission
1331 Pennsylvania Ave.
WASHINGTON, D.C. 20006

Dear Sirs:

I would like to say a few things about the way the amendments have been changed without most of the people knowing what is going on. The judicial system has been changing the amendments to suit themselves. The people do not have a right to say anymore. There are criminals running loose free of doing any time for their crimes, just because they help the DEA and other systems, by being a witness against the person. Most even get paid to be a witness, and this is for doing the same thing they have done themselves. I know of big drug dealers who are free and have been sentenced, but are still free on the streets. What is the difference between these people. They commit the same crime. The little man gets a lot of time and the big drug dealer gets by scott free if he tells on someone else. I have been watching our Federal Courts lately and I don't like what I see. The amendments were made for the people. Now they are for the judicial system only. One time offenders get a long sentence where offenders that are really bad get by with very little time. I have been watching the SPAN TV program on the amendments and I think it is time the public should have a say in the changing of the amendments. These meetings should be for the public as a whole. Not just the politicians as a whole. After all it is our tax dollars that pay their salaries. Chapter three isn't right and several of the others need a lot of work. I just wanted to get my say in. The amendments need to have a better understanding.

Sincerely

A tax payer

Malcolm A. Carter

Neil Warren Steinhorn
#27137-037
Box 1000
FCI-Morgantown
Morgantown, W. Va. 26507

United States Guideline Commission
1331 Pennsylvania Avenue, #1400
Washington, D.C. 20004

RE: GUIDELINE COMMENTS

Gentlemen:

Before I begin my comments to you regarding the proposed changes in the Sentencing Guidelines I would like to give you a little background on myself. I hope that with your knowledge of my background you can see that I have actually experience three sides of the criminal justice system as a prosecutor, defense counsel, and now an inmate.

I graduated ^{from} for the University of Miami School of Law in 1973. I was sworn in as an Assistant State's Attorney for Baltimore City in June, 1974. I was a State prosecutor until January, 1979 when I entered private practice with an emphasis on criminal defense(State and Federal).

In May, 1989, I was subjected to an FBI sting operation. In June, 1990 I went to trial and was convicted. My conviction and sentence was upheld on appeal in October, 1991. I surrendered myself to FCI-Morgantown on December 27, 1991 to serve a thirty-three (33) month sentence for laundering and structuring of a monetary transaction. I was not involved in any way in any drug transaction.

I would like to make the following comments regarding the proposed changes:

1. ACCEPTANCE OF RESPONSIBILITY-I agree that a three point reduction should be made available to those who not only acknowledge their criminal acts but also demonstrate further their acceptance of responsibility by taking timely affirmative steps as stated in the Guidelines. This three point reduction should not be limited to those with levels of 30 or more but should be available to any and all defendants.

Many defendants are first time offenders and are very remorseful for their offense(s). They also may give information to the investigating authorities that would assist them in a investigation of similar type offenses. These defendants could not achieve a reduction under 5K1.1 as there would be no other defendants to investigate at that time. Yet the investigating officials have gained an insight(i.e. computer-type crimes) into the manner and means of the criminal activity.

2. NEW CRIMINAL HISTORY CATEGORY-I strongly support a new criminal history "0" as proposed. This category should be ~~for~~ for those defendants (including white-collar offenses) without arrests and demonstrate a lack of rectivism. This category would allow the judge to grant a downward departure for those defendants where the court believes the offense was a "one shot deal" and the defendant clearly is remorseful for his conduct.

As I will reiterate, the current guidelines are much too restrictive in a sentencing court. The judge is the best person (after a thorough pre-sentence report and arguments of counsel) to grant a departure. The current History "1" severely limits the court to a sentence that is usually much too high for the first offender, where the base offense level is high.

I urge the Commission to grant the Judge more leeway in downward departures. The guidelines are useful to stop a very conservative or harsh sentencing Judge not to go beyond what is reasonable under the circumstances of the case. Unfortunately it hampers a judge who would like to tailor a sentence for a particular defendant.

3. SUBSTANTIAL ASSISTANCE-I strongly recommend the Commission delete the requirement under 5K1.1 that will only allow a downward departure in the government files said motion. I must use my own case as an example. I was told(as offered by means of a plea letter) that the Government would file this Motion and allow for a two point reduction--if I plead guilty. Of course I also knew that the court could reduce the sentence even beyond this two point reduction if it saw fit.

I could not plead guilty as I felt that I was entrapped by the FBI and I proceeded to trial. In fact the Government offered me a one point reduction during my trial if I refused to testify. I testified and the Government, needless to say, refused to file the required motion.

The information and "substantial assistance" that I provided to the Government was the same information whether I went to trial or entered a guilty plea. All information was given prior to my indictment. Yet the Government held that my testimony contradicted some information that I gave them prior to my indictment. The inconsistency did not hamper their investigation nor was it even germane to my guilt or innocence. Yet without this motion the Court held, as did the Fourth Circuit, that it could not and would not depart from the guidelines.

Under this proposed change, the court could better decide if "substantial assistance" was given by the defendant. The court could also determine whether to grant the defendant a departure. The current guidelines basically allow the prosecutor to "sentence" the defendant as it stops the court from acknowledging the defendant's cooperation.

Even though I made recorded conversations, wore a body wire, which led to an arrest of an unrelated person, and gave information no downward departure was granted by the court because the prosecutor refused to file said motion.

4. ALTERNATIVES TO INCARCERATION--I would recommend to the Commission that "white-collar" offenses not be excluded from this consideration. Most "white-collar" defendants are first time offenders who are not recitivists. The deprivation of one's freedom and being away from one's family is a very severe form of punishment. No bars, gates or cells are needed, when you are not allowed to be with your family.

Even though the Commission is willing to redefine the split sentence and enlarge the number of defendants eligible, I do not believe the Commission goes far enough. I believe that the Commission should allow a sentencing judge to tailor a sentence for a particular defendant within the prescribed guidelines, regardless of the length of sentence. For example, if a court wants someone to have home confinement for the last half of his sentence then this should not be restricted. In fact, home confinement could be joined with community service.

I thank you for granting me the opportunity to convey my comments. It is my firm conviction that the current guidelines are too severe and inflexible for a sentencing court. The trial judge has ample opportunity and is in the best position to sentence a particular defendant. The guidelines should not restrict the court, but only guide him.

Very Truly Yours,

Neil W. Steinhorn

P.S. If possible, mail me a copy of the working group report on alternatives to imprisonment.

Marilyn Harrell #26973-037
Box A, Cottage 3
Alderson, WV 24910

Jan. 28, 1992

Gentlemen,

The Federal Register and Criminal Law Reporter noted that you are taking testimony regarding some rather minor changes in the Sentencing Guidelines.

I respectfully request that you consider the following suggestions and that these suggestions be entered as testimony on my behalf.

My first suggestion is that you more closely monitor the administration "arm" of the Department of Justice - the Bureau of Prisons. Recently, I was horrified when an "Operations Memorandum" was distributed by the B.O.P. indicating that sentences are to be at the discretion of the B.O.P. - regardless of what the Judge orders! They feel that they are in a better position to judge what the best sentence is for an individual. They do not question the amount of time - but rather where it is to be served. If the Judge recommends 5 mos. in prison & 5 mos home confinement, the B.O.P. feels they have the legal right to retain that defendant for the full ten months in prison.

It appears that the Judges have been severely diminished in their functions through the guidelines and have lost so much ground that the BOP feels

they can override a judicial decision. It would appear that prisons have become more a financial venture than the administration of justice. Allow me to elaborate, based upon what I know from my experience at FPC Alderson.

The prison receives an allotment in the Budget for each prisoner - the reason they are so reluctant to follow through on alternatives to sentencing.

They receive commissions on all items purchased by inmates, all phone calls placed by inmates. If a person has "Financial Responsibility" - regardless of the Judge's wishes in the sentencing - they make strenuous efforts to collect and receive a commission. They are paid for each person in school. Many transfers are automatically re-tested and re-enrolled. If they work in UNICOR, the prison requires that half the inmate's earnings are "collected". Refusal to participate provokes severe sanctions - regardless of the fact that the money (ie, restitution, etc.) is court ordered to be paid upon release. The telephone system has been changed to eliminate "collect calls". The money sent by loved ones will then be used by the BOP to collect under this so-called "Financial Responsibility Program". According to CFR 28, someone who fails to

participate in "F.R.P." can be sanctioned to the extent that they can earn only \$5.25 per month at whatever job they perform in Prison. This prison suggests that refusal to pay funds sent, often sacrificially, by loved ones places you out of their "programming", hence sanctions such as loss of semi-private room, furlough and halfway house privileges. It would appear that the government wasted a lot of money creating CFR 28 when very little attention is paid to its directives.

It is interesting that you are interested in "Self Incriminating Information". Recently, I read where Dan Zuale was completely exonerated from drug charges after the two people accusing him were given his detector tests. You will find that if John Q. Public got the same courtesy, you would have far fewer people incarcerated. This is an inducement for people to provide false information about others and more people are being arrested for no reason. The taxpayers deserve better - even if those arrested don't receive that "small" consideration.

I am elated to see that some attention

is being given the "First Time Offender." It is long overdue and shows a sense of responsibility on the part of the Sentencing Commission. However, much more should be done than is being suggested. There are many women in FPC Alderson - a camp of low security level - who really should never had been incarcerated to begin with and who have extreme sentences like 8-10 years. As I'm certain you've heard many times, this is counter-productive to the women, society in general, the taxpayers, and, most importantly, the families of these women. Murderers, rapists, and child molesters traditionally serve less time than a mother, who's boyfriend dealt drugs. If an inmate is trusted to self-commit, serve time in a minimum security prison without walls or fences, she should certainly not be punished for 5-10 years!

Wealthy, educated people get their prior sentences "expunged" - and, for this reason I am opposed to new Criminal History Categories. The present system is adequate and the changes should be made in the column reflection of number of months for category I.

Finally, substantial assistance is still too conservative to allow much inducement

- 5 -

and to greatly broaden the reduction of months served would, at this strategic time, remove many cases from the already overburdened Court case load. A downward departure of 2-3 points, and the ensuing time reduction, is still too little to really induce people to plead and be truthful - versus lying and hoping the jury and judge will be merciful.

I'm not a lawyer and I'm not greatly educated. I am in prison. I know, firsthand, the results of what is happening and my comments are based upon experience - one of the best teachers. I continue to pray that God will stop the injustice I see here every day and it is my prayer that He will give you wisdom and compassion so mercy will become a part of the very important role you play as a Sentencing Commission. My prayers are with you and for you.

Respectfully,
Marilyn Harrell

SUNDAY 1/26/92

TO: US. Sentencing Commission
Washington, D.C. 20004

Dear Reader:

I believe the current Sentencing Guidelines are
an unrealistic response to social problems that
create more destruction and heartache than anything.
They should be abolished.

Sincerely Yours,

Rev. Matt H/L

Rev. MATTHEW J. HAYHOW

#62546-061 FCI. McKean

P.O. Box 8000

Bradford, Pa. 16701

U.S. Sentencing Commission

1/20/92,

1331 Pennsylvania ave., Suite 1400

Washington, D.C. 20004

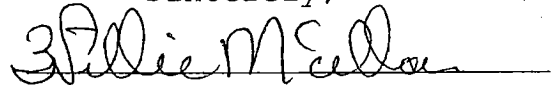
Dear Madam, or Sir:

This letter relates to obtaining information on the changes to the sentencing guidelines that have been recommended by the Judicial Conference of the United States, surrounding the Administrative arm of the federal courts

Have the final decision on whether to adapt the new guidelines proposals, been decided yet? ALSO will this affect already confine inmates or just defendants waiting to be sentencing in the near future.

I would be very grateful towards any assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Willie McCellan", written over a horizontal line.

WILLIE MCCELLAN 171280#

P.O., BOX 538

Jefferson City, MO. 65102,

WILLIE/mcc,,,,,,,,,,,,,

ATT: COMMENT SECTION
U.S. Sentencing Comm.
1331 Washington, D.C. 20004

Re: PUBLIC COMMNETS ON GUIDELINES.

Dear Reader:

I understand the Commission is seeking public comment on the effect(s) of the Sentencing Guidelines. Thus, I submit my comments and how I feel to you and the Commission.

Basically, I strongly believe that the sentences handed down on many a minor participant is ridiculously long and the situation created by "number hungry" prosecutors has got to come to an end. Replace the poweres of the Judges, suggest the guideline ranges, or allow them to depart freely without a written reason why.

I'm tired of reading about the little guy who got it and the "big guy" who got away.

Thank you for your time in this matter. I await your reply, and am

Sicnerely yours,

Bernardo Crespo

33210-054

Please help us! Thank You.

Date: Jan. 13, 1992

3892 Gladman Way
Lexington, Kentucky 40514

January 17, 1992

United States Sentencing Commission
Suite 1400
1331 Pennsylvania Avenue, N. W.
Washington, DC 20004

To whom it may concern:

It has recently come to my attention that the new federal guidelines mandating minimum sentencing requirements for individuals convicted on drug related charges will be reviewed in January. While I have no sympathy for repeat offenders or those charged with violent crimes, the current sentencing guidelines with respect to non-violent first time offenders are too severe.

Unfortunately, these guidelines leave little consideration in sentencing and the resulting lengthy jail terms may actually harden rather than reform a first time offender. Surely, reduced sentencing requirements or the possibility of an earlier parole would allow the judicial system the necessary flexibility to insure rehabilitation while still maintaining deterrence.

Any time or effort given to this matter will be greatly appreciated. However, I would like to encourage you to re-evaluate these guidelines.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Larry D. Adams', with a stylized flourish at the end.

Larry D. Adams

United States Senate

WASHINGTON, DC 20510-1701

January 9, 1992

Dear Larry:

Thank you for your message relating to the current federal Sentencing Guidelines, especially as they relate to first offenders. I appreciate your thoughtful comments.

As you may know, the federal Sentencing Guidelines were developed as a result of the 1984 Sentencing Reform Act, which called for the creation of an independent panel appointed by the President to "review and rationalize" the federal sentencing process. The guidelines are an attempt to add uniformity, proportionality, and consistency to federal sentencing across the country. Nonetheless, in their short history, they have been subject to substantial criticism and revision. This is a process which continues. By law, the United States Sentencing Commission reviews these guidelines on an annual basis. In January, the Commission seeks comment in a number of areas from the general public. This comment period is followed by public hearings, and ultimately a report is issued to the Congress by May 1 of each year. The guidelines then go into effect each November for the following year.

If you wish to participate in this process and comment in further detail, or otherwise wish to make an inquiry, you may direct them to:

United States Sentencing Commission
Suite 1400
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

I hope that these comments have been helpful to you. If you desire further information, or if there is any other way in which I can be of assistance prior to the submission of the report to Congress in May, please feel free to contact me. I hope that you will continue to keep me informed on issues of interest to you.

Sincerely,



Mr. Larry D. Adams
3892 Gladman Way
Lexington, KY 40514

☐ DISTRICT OFFICES:
343 WALLER AVENUE
LEXINGTON, KY 40504
(606) 233-2484

☐ 172-C NEW FEDERAL BUILDING
LOUISVILLE, KY 40202
(502) 582-6251

☐ 19 U.S. POST OFFICE AND COURTHOUSE
COVINGTON, KY 41011
(606) 491-7929

☐ 305 FEDERAL BUILDING
OWENSBORO, KY 42301
(502) 685-5158



Dear Sir:

The number of federal inmates has almost tripled to more than 60,000 since 1981, and the Bureau of Prisons estimates there will be 100,000 prisoners by 1995, mostly due to the surge in drug arrests coupled with more mandatory minimum sentences and stricter guidelines. Because of these stiff guidelines, many first time, non-violent, minimum culpability offenders are being sentenced to 10, 20, and 30 years in prison.

We the under signed, as taxpayers, voters, and in many cases families of these prisoners respectfully demand that these circumstances change. We do not suggest a soft hand with drug dealers, however first-time offenders **must be** given the opportunity of rehabilitation. A new report released by the Bureau of Prisons shows prisoners that receive job training while incarcerated are less likely to return to a life of crime. This report proves that rehabilitation can work. Most of the first time non-violent offenders do not present a threat to society. Alternatives to this situation must be found.

We propose the following:

1. Manditory minimum sentences must be revised and the Judges must have more flexibility when sentencing
2. Alternatives to incarceration must be implemented, such as:
 - A. Probation
 - B. House arrest
 - C. Community service
 - D. Deportation (Voluntary)
3. The precentage of time served must be lowered from the current 87% of the sentence to one-third of the sentence for first-time, non-violent offenders
4. Re-instate parole, as recomended by the U.S. Judicial Conference, and extra good time
5. Restore good-time for inmates who work in the Institution, 5 days per month
6. Elderly and sick inmates should be under house arrest

The obvious benifits of these alternatives are that the taxpayers' money will be saved and the first-time, non-violent offenders will have the chance at rehabilitation. Building more prisons will never solve nor alleviate the problem. It is our duty to strive to be a regenerative and not a punitive society. We urge our Lawmakers to investigate and to enact legislation that will better serve everyone.

Your Constituents,

Amie Stonebrook

Earl Miller

Robert McAvoy

Benita McAvoy

Yvonne Long

Keith A. Price

Dear Sir:

The number of federal inmates has almost tripled to more than 60,000 since 1981, and the Bureau of Prisons estimates there will be 100,000 prisoners by 1995, mostly due to the surge in drug arrests coupled with more mandatory minimum sentences and stricter guidelines. Because of these stiff guidelines, many first time, non-violent, minimum culpability offenders are being sentenced to 10, 20, and 30 years in prison.

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Your Constitituents,

Linda Holmes
Christine Smet
Candice E. Edgcomb

Eva Baker
Charles K. Elrod
Beri L. Parker

United States Sentencing Commission
1331 Pennsylvania Ave., N.W., Suite 1400
Washington, D.C. 20004

Gentlemen:

We all know that there will be many difficult decisions to be made about correction budgets in the next few years, as States and Localities weigh the costs of building new prisons and jails against many other hard pressed items in their budgets.

The number of Federal inmates has almost tripled since 1981, due mostly to the surge in drug arrests coupled with more mandatory minimum sentences and stricter guidelines. Because of these stiff guidelines, too many non violent minimum culpability offenders are being sentenced to 10, 20 and 30 years in prison or more.

We, the undersigned, as taxpayers, voters, and in many cases the families of these prisoners respectfully demand that these circumstances change. We do not suggest a soft hand with drug dealers, however non-violent offenders must be given the opportunity for rehabilitation. Most of these people do not present a threat to society, but when deprived of their freedom and families they are only given the opportunity to learn new crimes, become hostile, bitter and full of resentment against society. The families will be more than willing to cooperate and participate in the rehabilitation process.

We propose the following:

1. Mandatory minimum sentences must be revised and the Judges must have more flexibility when sentencing.
2. Alternatives to incarceration must be implemented, such as:
 - a) Probation
 - b) House Arrest
 - c) Community Service
 - d) Deportation (voluntary)
3. Reinstate parole and time-off for good behavior
4. The percentage of time served must be lowered from the current 85% of sentence to one-third for the non-violent offenders.
5. Restore "good-time" for inmates who work and/or learn new skills in the institution.
6. Elderly and sick inmates should not be incarcerated, but given an alternative.

The obvious benefits of these alternatives are that the taxpayers money will be saved and used for other purposes in the United States and the non-violent offenders will have an opportunity for rehabilitation. Building more prisons will neither solve or alleviate the problem. It is our duty to strive to be a regenerative and not a punitive society. We urge lawmakers to investigate and to enact legislation that will better serve everyone.

In December of 1990, The Miami Herald published an article about a discussion by Federal Judge Vicent L. Broderick who said "The panel should consider non-prison punishment, particularly for first offenders".

In January of 1991, Ann Landers, columnist of The Miami Herald, said "Prisons are not the best route to rehabilitate". Also Steve Halpren said that he "recommended house arrest for first time offenders".

In an article written by R. Robin McDonald from the Fort Worth Star Telegram, United States District Judge William Scharser said "sentence guidelines raise fears that swelling prison population may lead to violence".

Michael J. Sniffen, columnist for the Associated Press said "The criminal system is in a jam as the Fed's run out of jail cells; inmates are doing their time inside the Marshall's vans driving on USA Highways".

In February of 1991, an article in the Criminal Law Reported stated that "Judges went below the minimum mandatory guidelines for drug 'mules'. The Government filed a motion to reconsider the sentence and that motion was denied". Judges should be given back their discretionary powers to sentence defendants on a case by case basis.

Thank You,

I have a family member or friend in prison Yes ___ No X

Comments

NON-VIOLENT CRIMINALS NEED
A CHANCE FOR REHABILITATION AS
WELL AS VIOLENT CRIMINALS.

Name: LALENA KELLY

Address: RT. 2 BOX 15A

DODDRIDGE ARK 71834

VIOLENT CRIMINALS, MURDERERS, RAPIST,
ARMED ROBBERS, NEED JAIL TIME,
BUT WE NEED TO GIVE THEM SOMETHING
TO WORK TOWARDS. WHICH IS REHABILITATION.
NON-VIOLENT CRIMINALS NEED PARTIAL
SENTENCING. WE NEED TO LISTEN TO
MORE OF THE MOTIVES THAN THE
ACTS THEMSELVES. PEOPLE NEED TO
TRUST MORE.

FEBRUARY 3, 1992

UNITED STATES SENTENCING COMMISSION
1331 PENNSYLVANIA AVENUE N.W.
WASHINGTON, D.C. 20004

RE: ALBERTO TORRES VELASQUEZ REG. #25065-008
FCI SAFFORD, ARIZONA

Dear Sirs,

I am writing in response to an article concerning the Federal Sentencing Guidelines. My husband had emotional, physical and psychological problems that caused him to do something that he deeply regrets doing. He purposely got caught and was arrested.

He was out on bail for a year, and was placed into a half-way house after his conviction. During all this time he did everything that he was asked to do, which included counseling for his problem. The Prosecutor's own appointed Psychiatrist found that he had experienced an acute, intense Psychotic Episode as the result of his problems. The episode was intense, but temporary. He was trying to get his life back together again and was working to support both me and my daughter who was pregnant at the time.

In the half-way house he was exemplary, the reports his Lawyer received from the house were so good that his Lawyer stated that he had never received reports this good from the house. That is was unheard of. All he wanted to do was to try and re-build what had been destroyed by his actions. He has never been in trouble with Law before, never been arrested. He doesn't do drugs and rarely drinks. He's a good man, father, and husband.

But when it came to sentencing him, the Judges hands were tied by the Guidelines, and he was given the minimum of 36 months in prison. He even self-surrendered to the Safford FCI Facility when he was told to do so. He isn't violent in any way.

Due to his being in prison, I am having a hard time since I was use to two incomes. My daughter had to go on welfare to help pay for the baby. On top of that the cost being spent to house my husband in prison. We feel that it is a waste of money and of a good person where we all could be working and providing to the community instead of having the community provide for us.

He was volunteering his time on his own to help the Red Cross here in Phoenix, a job he greatly enjoyed and they appreciated and needed his help as they don't get much help that is reliable and consistent. They miss his presence also as he was depended upon.

If the guidelines could be changed so that people like my husband could have a chance of something other than prison for the lengths of time given, society would benefit more that by just blindly forcing men to be sent to prison.

Thank You

A handwritten signature in cursive script that reads "Kathy Velasquez". The signature is fluid and written in dark ink.

Kathy Velasquez
3308 n. 57 Avenue
Phoenix, Arizona 85031

January 25, 1992

Honorable William W. Wilkins, Jr.
U.S. Sentencing Commission
1331 Pennsylvania Ave. NW, Suite 1400
Washington, D.C. 20004

Dear Sir:

I am writing to express my concern about a serious injustice in the American justice system that you can help correct.

In 1986 and 1988, Congress passed mandatory minimum sentencing laws for drug offenders and firearm offenders. These laws prohibit judges from considering any of the facts of the case when sentencing except the type of drug and its weight. The judge simply looks at a grid to find the predetermined sentence and he cannot depart from that sentence. In most cases the sentence¹ at least five years and often it is 10, 15, 20 years or more. Because there is no parole the offender will serve the full length of his sentence.

In theory this system might have seemed like a good way to reduce drug use and crime. But in practice, it is not working. First, non-violent offenders are receiving longer sentences than rapists, murderers, and child molesters. These non-violent offenders are filling up the prisons faster that the state can build them; as a result, violent felons are granted an early release to make room. Secondly, the prosecution has the sole discretion to waive the mandatory minimum guidelines. Informers who have something to bargain with never go to trial. This flexibility is only in the hands of the prosecution, and not the judges. Judges are granted this position because of their years of knowledge and experience. It is the judge's job to decide on a case by case basis what a sentence should be.

In a time when our nations economy is of such concern to us all, it does not make sense for first time offenders to be overcrowding our prisons to the brink of collapse. The United States of America has more people in custody per capita than any other nation in the world. Conservative estimates put the count at over 1.1 million incarcerated human beings; approximately one in every 350 Americans is in prison. This costs the taxpayers over \$22,000,000,000 per year.

Honorable William W. Wilkins, Jr.
U.S. Sentencing Commission
1331 Pennsylvania Ave. NW, Suite 1400
Washington, D.C. 20004

Page 2

Last summer, the U.S. Sentencing Commission released a report on mandatory minimum sentences that found that these sentences cost an additional \$79,000,000 to \$125,000,000 in 1990. If the drug and crime rate were being reduced by these mandatory minimums, then perhaps these figures would be justified. However, there is no evidence to indicate that drug usage and sales have been reduced by this system.

Please consider my opinions on this subject when the public hearings take place at the end of February. Give the judges the flexibility that they have requested. Please rescind this system, the taxpayer cannot afford it. Please have all the sentences issued during this time of injustice reviewed.

Respectfully,

Susan H. Nickel
Alameda Resident Voter

TO: U.S. SENTENCING COMM.
WASHINGTON, D.C. 20004

Jan., 1992

Dear Reader:

I believe the Guidelines are unrealistic responses to social problems that create more destruction than anything. They should be abolished.

Sincerely yours,

George Jackson
Box 5000
Sanford, FL 32071

Dear Sir:

The number of federal inmates has almost tripled to more than 60,000 since 1981, and the Bureau of Prisons estimates there will be 100,000 prisoners by 1995, mostly due to the surge in drug arrests coupled with more mandatory minimum sentences and stricter guidelines. Because of these stiff guidelines, many first time, non-violent, minimum culpability offenders are being sentenced to 10, 20, and 30 years in prison.

We the under signed, as taxpayers, voters, and in many cases families of these prisoners respectfully demand that these circumstances change. We do not suggest a soft hand with drug dealers, however first-time offenders **must be** given the opportunity of rehabilitation. A new report released by the Bureau of Prisons shows prisoners that receive job training while incarcerated are less likely to return to a life of crime. This report proves that rehabilitation can work. Most of the first time non-violent offenders do not present a threat to society. Alternatives to this situation must be found.

We propose the following:

1. Mandatory minimum sentences must be revised and the Judges must have more flexibility when sentencing
2. Alternatives to incarceration must be implemented, such as:
 - A. Probation
 - B. House arrest
 - C. Community service
 - D. Deportation (Voluntary)
3. The percentage of time served must be lowered from the current 87% of the sentence to one-third of the sentence for first-time, non-violent offenders
4. Re-instate parole, as recommended by the U.S. Judicial Conference, and extra good time
5. Restore good-time for inmates who work in the Institution, 5 days per month
6. Elderly and sick inmates should be under house arrest

The obvious benefits of these alternatives are that the taxpayers' money will be saved and the first-time, non-violent offenders will have the chance at rehabilitation. Building more prisons will never solve nor alleviate the problem. It is our duty to strive to be a regenerative and not a punitive society. We urge our Lawmakers to investigate and to enact legislation that will better serve everyone.

Your Constituents,

James Locklear
Harman Faller
Jessie Lee Davis

Glenn Locklear
Ben Dobbins
Lynne Simpson

U.S. Sentencing Commission
1331 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Re: Guideline changes, public comment.

Dear Sir or Madam:

I have chosen this form, distributed by members of my church, to express my views concerning the laws entitled or commonly referred to as "Sentencing Guidelines". Hereafter is a list of questions and my responses to them which I request be made part of the record when decisions or recommendations are considered appropriate input to alter these regulations.

1. The Guidelines should be changed to allow the Courts more leeway in sentencing a person based on personal characteristics, the magnitude of the criminal act, and harm to victims.

✓ Yes () No

2. The Guidelines should be abolished since they have proven to imprison only smaller offenders and let large scale offenders keep assets if they choose only to testify.

✓ Yes () No

3. The Guidelines sentence a person to imprisonment in ~~at~~ more than () 10%, () 30%, ✓ 50%, or () 90%, a higher period of imprisonment than is necessary or justified.

4. Parole should be re-instated. ✓ Yes () No

5. People sentenced under the Guidelines should do one-third of their sentence and be released to serve the remainder in other than a prison setting or on supervised release.

✓ Yes () No

6. The U.S. Sentencing Commission should make serious efforts to assist the Dept. of Justice, including the Bureau of Prisons, increase good time allowances for those now imprisoned.

✓ Yes () NO

Thank you for considering my answers. I am

Sincerely yours,

Mrs. Jay L. Hamilton
38 Metropolitan Ave.
Ph. Chester, Bronx, N.Y. 10462

2/7/92

Mary Mayo
100 Mc Duffie
West Monroe, La. 71291

U. S. Sentencing Commission
1331 Penn Ave. N.W.
Suite 1400
Washington, D. C.

Dear Sirs:

I would like the Commission to approve the following items up for review in 1992.

- (1) Form a Category Zero for those without prior convictions.
- (2) Approve a 3 level reduction for a guilty plea.
- (3) Most Importantly-- Make these changes retroactive.

These changes would be a positive addition to the Sentencing Guidelines.

Dear Sir

I would like the Commission to approve the following items up for review in 1992.

1) Approve the formation of category zero for those without prior convictions.

2) Approve the 3 level reduction for guilty plea's.

3) Most Important--- Make these retroactive.

I feel these changes would be a positive addition to the Sentencing Guidelines.

Sincerely ,

Ruben Andrews

2/5/92

Jane Keys
226 Westside
West Monroe, La. 71291

U. S. Sentencing Commission
1331 Penn. Ave. N.W.
Suite 1400
Washington, D. C. 20009

Sir:

I would like the Commission to approve the following items
up for review in 1992.

- (1) Form a Category zero for those without prior Convictions.
 - (2) Approve a 3 level reduction for a guilty plea.
 - (3) Most Importantly -- Make these changes retroactive.
- I feel these changes would be a positive addition
to the Sentencing Guidelines.

Sincerely,
Jane Keys

Debbie Cavallas
284 SE 7th Ave
Deerfield Bch, Fl. 33441

February 10, 1992

United States Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite 1400
Washington DC 20004

Dear Sirs,

I would like the commission to approve the following items up for review in 1992

1. Form a category zero for those without prior convictions.
2. Approve a 3 level reduction for a guilty plea
3. Most importantly: Make these changes retroactive.

I personally feel these changes would be a positive addition to the Sentencing Guidelines.

Sincerely,
Debbie Renee Cavallas

February 11, 1992

U.S. Sentencing Commission
1331 Pennsylvania Avenue NW
Suite 1400
Washington, D.C. 20009

Sirs:

I would like the commission to approve the following items up for review in 1992:

1. Form a category 0 (zero) for those without prior convictions.
2. Approve a 3 level reduction for acceptance of responsibility.
3. Most importantly, make these changes retroactive.

Sincerely,



Keith Weerman

Rt 1, Box 1015

Canton, GA 30114

Lorraine Riley
SE 7th Ave.
Riverside Bch, Fl.
33441

2-10-92

United States Sentencing Commission
331 Pennsylvania Ave. N.W.
Suite 1400
Washington D.C. 20009

Dear Sirs:

I would like the commission
to approve the following items
that are up for review in 1992.

- (1) Form a category zero for those
without prior convictions.
- (2) Approve a 3 level reduction for
a guilty plea.
- (3) Most important - Make these
changes retroactive.

I myself feel these changes
would be a positive addition to
the sentencing Guidelines.

Sincerely
Lorraine Riley

Feb 10, 1992

Jeff Hunt
9101 Victor Ct
Midwest City, OK 73130

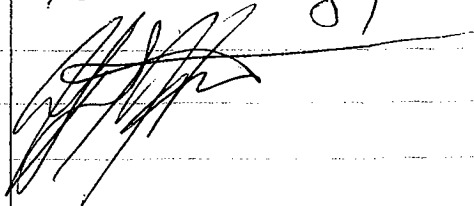
United States Sentencing Commission
1331 Pennsylvania Ave NW
Suite 1400
Washington DC 20009

Sirs:
I would like the Commission to approve
the following items up for review in
1992.

- 1) Form a category zero for those without
prior convictions.
- 2) Approve a 3 level reduction for
a guilty plea.
- 3) Most importantly make these
changes retroactive.

I feel these changes would be a
positive addition to the Sentencing
Guidelines.

Sincerely,



Lorraine Riley
285 SE. 7th ave.
Deerfield Bch., Fl.
33441

2-10-92

United States Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite 1400
Washington D.C. 20009

Dear Sirs:

I would like the commission
to approve the following items
that are up for review in 1990

- (1) Form a category zero for those
without prior convictions.
- (2) Approve a 3 level reduction for
a guilty plea.
- (3) Most important - Make these
changes retroactive.

I myself feel these changes
would be a positive addition to
the sentencing Guidelines.

Sincerely,
Lorraine Riley

Estelle C. Riley

2-10-92

305 SE. 7th Ave.

Deer Field Bch, FL 33441

United States Sentencing Commission

1331 Pennsylvania Ave. NW

Suite 1400

Washington D.C. 20009

Dear Sirs:

I would like the Commission to approve the following items up for review in 1992.

(1) Form a category zero for those without prior convictions.

(2) Approve a 3 level reduction for a guilty plea.

(3) make these changes retroactive.

I personally feel these changes would be a positive addition to the Sentencing Guidelines.

Sincerely

Estelle C. Riley

February 13, 1992

Garland Moore
12642 St. Rt. 67 W
Benton, Ohio 43326

United States Sentencing Commission
1331 Pennsylvania Ave. NW
Suite 1400
Washington, D.C. 20009

Sirs:

I would like the Commission to approve the following items up for review in 1992.

- 1.) Form a Category zero for those without prior convictions.
- 2.) Approve a 3 level reduction for a guilty plea.
- 3.) Most importantly - make these changes retroactive.

I feel these changes would be a positive addition to the Sentencing Guidelines.

Sincerely,

Garland J. Moore

2-14-92.

P.O. Box 3664
Myrtle Beach, SC 29578-3664

United States Sentencing Commission
1331 Pennsylvania Ave. NW
Suite 1400
Washington, DC 20009

Sirs:

I would like the Commission to approve the following items up for review in 1992.

- 1) Form a category zero for those without prior convictions.
- 2) Approve a 3 level reduction for a guilty plea.
- 3) Most importantly -- Make these changes retroactive.

I feel these Guidelines would be a positive addition to the Sentencing Guidelines.

Sincerely,

Jeri West

United States Sentencing Commission
1331 Pennsylvania Ave. NW.
Suite 1400
Washington, DC 20009

Sirs:

I would like the Commission to approve the following items up for review in 1992.

- 1) Form a category zero for those without prior convictions.
- 2) Approve a 3 level reduction for a guilty plea.
- 3) Most importantly - Make these changes retroactive

I feel these Guidelines would be a positive addition to the Sentencing Guidelines.

Sincerely,

Lori A Haglund
3680 Cates Bay Rd.
Conway, SC 29526

2-13-92

DEAR SIRs

I would like this commission to approve the following items up for review in 1992.

- (1) Form A Category Zero for those with out
1 prior convictions.
- (2) Approve a 3 Level reduction for guilty plea.
- (3) Most importantly -- Make these changes retroactive.

Sincerely: Robert L. Mason

Robert L. Mason W.F.
PO Box 1000 #13057-056
Butler NE, 68509-1000

2/5/92

David Belton

110 Parkwest

West Monroe, La. 71291

United State Sentencing Commission

1331 Penn. Ave. N.W.

Suite 1400

Washington, D. C. 20005

Sir:

I am for the the Commission approving the following items up for review in 1992.

- A. Form a Category zero for those without prior convictions.
- B. Approve a 3 level reduction for a guilty plea.
3. Most importantly -- Make these changes retroactive.

I feel these changes would be a positive addition to the Sentencing Guidelines.

Sincerely
David Belton

2-10-92

Linda Hanson

R # 2 Lot 267 Box 267

Pompano Beach, FL 33073

United States Sentencing Commission

1331 Pennsylvania AVE. N.W.

Suite 1400

Washington D.C. 20009

Dear Sirs:

I would like the commission to approve the following items that are up for review in 1992.

- (1) Form a category zero for those without prior convictions.
- (2) Approve a 3 level reduction for a guilty plea.
- (3) Most important - Make these changes retroactive.

I personally think these changes would be a positive addition to the sentencing guidelines.

Sincerely
Linda Hanson

February 5, 1992

U. S. Sentencing Commission,
1331 Pennsylvania Avenue
Suite 1400
Washington D.C. 20004.

Dear Sirs:

RE: REPORTS AND PROPOSALS DATED 1/15/92

CRIMINAL LAW REPORTER

I the undersigned am a concerned citizen and object to the sentencing guidelines imposed on first time offenders. Its costing the Tax-payers too much to house these people who could and can be given alternative sentencing.

My recommendations are as follows: for non-voilent criminal offenders:

1. Home Confinement programs for offenders sentenced under the new Conspiracy Laws.
This include electronic monitoring, drug treatment programs if applicabile, half way houses and more Probation.
2. Allow offenders capable of maintaining job with Community Service objective.
3. Increase downward departures for offenders who played very minor roles in drug sonspiracy.
Increase downward departure adjustment for acceptance on responsibility.
Increase downward adjustment to benefit offenders with no prior criminal history and solid family ties.
4. Increase good time matching to old laws and make same retroactive to offenders presently incarcerated to ease the massive overcrowding.
5. Give the judges back their courtrooms so they can have authority over sentencing as previously done. This would eliminate the harsh sentences imposed by the prosecutors.

Respectfully

Hilary Dixon

.....

February 8, 1992

Hopi #144
37900 N. 45th Ave., Dept. 1785
Phoenix, AZ 85027-7006

Mr. Michael Courlander
Public Information Specialist
United States Sentencing Commission
1331 Pennsylvania Ave. NW
Suite 1400
Washington, D.C. 20004

Dear Mr. Courlander:

The January 15, 1992 issue of The Criminal Law Reporter published by the Bureau of National Affairs, Inc. had a brief discussion of proposed amendments to the U.S.S.G. It was stated that your office was interested in comments from the public. I hope I qualify under that label. I'd be curious as to how many in the public know anything about the U.S.S.G., but more than that, enough to comment.

My suggestion is to adopt the proposed option for an automatic two-level reduction for a defendant who pleads guilty. Unfortunately, the present system has to do with degrees of groveling. Is the defendant remorseful? Is she cleansed of her sin? Does she repent? Will she rise and sin no more? It is not enough to say I accept responsibility for my action, but it must include a note of apology then a sincere apology, then a pound of flesh, and finally a quart of blood.

During the bargaining sessions used to arrive at a decent plea agreement, the powerplays teeter back and forth. Finally, with a gun at the defendant's head a plea is given. "Now you must eat dirt" and the judge will decide how much before leniency is given. This process is cruel and inhumane. Standing in a courtroom admitting to committing a federal offense is devastating. You can never know what that is like unless you have experienced it. It is enough.

Admitting guilt is saying yes, I committed this crime, that is accepting responsibility for your actions. To make any other determination seems ludicrous. Also a guilty plea should supercede the obstruction of justice enhancement, perhaps in the end one may cancel out the other. Actually, obstruction of justice ^{should} not be an enhancement, but a separate charge, but that is an argument for another day.

Part II

We have communicated before regarding the Mandatory Minimum Sentencing Report. I received the copy you sent here to the inmate law library. I have two requests: 1) a copy of the 1991 U.S.S.G. with the Amendments effective Nov. 1, 1991; 2) is it possible to have a complete copy of all your proposed amendments for 1992? Would you please forward both of those items, if you can, to Mr. Delinger, c/o Federal Prison Camp? If you don't specify the camp, the men at the F.C.I. across the street take our material.

Thank you for your help. I am anxiously awaiting to hear from you.

Sincerely,

Jacqueline Hendricks
Jacqueline Hendricks
18945-086

Jan. 23, 1992

To the U.S. Sentencing Commission,

I am writing to you in response to the unfair system of mandatory Federal sentencing guidelines.

My Family has suffered a great injustice as well as the wasting of our Tax dollars. My husband will be incarcerated for 41 months due to Federal guidelines. He was a first offender! He attempted to co-operate with the government and received no signing of the SK-1, which he rightly deserved. The judge in our case had his hands tied to downward depart from the sentencing.

We feel the agent in our case has been blinded by years of time spent with dishonorable people and couldn't recognize the truth.

Judge DuBois did have a clear picture of the situation and was unable to use his experience and judicial authority to sentence my husband accordingly. Our lives have been altered by the discretion of an agent of the D.E.A. He was wrong!

In my opinion the Mandatory Sentencing Guidelines are unjust!!
What has happened to our Freedom?
Why have judges at all if agents can determine your destiny??

For the freedom of the courts,
please, for the American people
give the judges the final decision
in sentencing!

Thank you
Diane Burg
Quakertown, Pa. 18951

Feb. 13, 92

Patricia L. McGuire
2405 S.E. Umatilla #6
Portland, Or. 97202
Phone # (503) 231-5661

To Whom It May Concern,

I am writing to enquire about my son-in-law. See he was sentenced in 1988 for manslaughter I and went to a Parole Review, which he was refused any appeal. Not could you explain why he is not allowed to go before the Board for another review until 2003.

Inclosed is a record of charges and info

Name	Robert Partlow Jr.
S.I.D.	696.105.2
Inst #	15856
Inst.	OSCI
DOB.	12/18/63
Admission Date	05/04/1988
Counselor	C.R. Johnson
Cell #	2A 27
Scored	Medium I
Total Public	
ish	137
Inst.	054
Score	
SS #	544-86-4242
FBI #	676504EAO

over 7

Sir, I would truly appreciate any info on this case. Robert is now married and has 2 step sons. His wife Tami Louise Patton and sons need to receive any info at all. Robert knows there is a chance of not getting released until 2003 or if full time 2011. I would appreciate any findings at all. 2003 is good time 2011 is max.

Also is there anything that I might be able to do to help him on the inside, and/or on my side here. I know he is very depressed but am trying to ease his time by trying to help him in anyway possible. Waiting for your response.

Sincerely

Patricia Louise McLevin
2405 N. E. Umatilla #6
Portland, Or. 97202
(503) 231-5661

To Sentencing Commission -

I'm am writing in regards to your guideline restructuring. I personally feel the guidelines are unconstitutional. And there are many judges that will agree with me. I'm sure you've read the debate between Judge Healey and Judge Wilkins. I agree with Healey. The rate of prison increase and longer sentences are the biggest disparity ever. The prosecutor pulls all the buttons and pushes all the levers. Why even have a Judge? Put in computers instead.

A quote from a district Judge is "he's not here for any money just to interpret the law." Wouldn't a computer do that better? Give some power back to the Judge and not the prosecutor. The PSI are exactly the same as government version. The discretion is up to the prosecutor to charge with a lesser crime, also beyond a reasonable doubt, then sentence on a non crime crime which is by a preponderance of the evidence. Like stated earlier the prosecutor pulls the strings. As for as substantial assistance, why wouldn't a "caught" informant provide it for a lesser sentence?

This sums it up. A quote from the book
"Born again" by Charles Colson.

How can anyone be sure he isn't even sub-
consciously tempted to offer up testimony more to
the prosecutors liking than the facts really
want? When a good deal is hanging in
the balance, is it not human nature to do so

This was wrote over 15 years ago, and still
applies today.

There must be alternatives to incarceration!
How long can we keep building new prisons?
Many non violent, first time offenders are in
for more time than their out. Need more
good behavior, that only promotes good behavior
Parole for model inmates, to provide as
a role model among inmates.

I welcome any response and will be
watching the reporter for any news.

Thank You
Jeff Wilson

Jody Wilson
RR2 LaPorte City
Ia
50651

1/27/92

To Whom It May Concern:

As your constituent I would like to express my concern about a serious injustice in the American justice system that you can help correct.

In 1986 and 1988, Congress passed mandatory sentencing laws for drug offenders and firearms offenders. These laws prohibit judges from considering any of the facts of a case when sentencing except the type of drug and it's weight. The judge simply looks at a grid to find the predetermined sentence and he cannot depart from that sentence. In most cases the sentence is at least five years and often it is 10, 15, 20 years or more. Because there is no parole, the offender serves the full length of a sentence. In theory, this system might seem a good way to reduce drug use and crime. But in practice, it isn't working. Nonviolent first offenders are receiving longer sentences than rapists, murderers, and child molesters. The nonviolent offenders are filling up the prisons faster than the state can build them, so violent felons are granted early release to make room for these nonviolent offenders.

The Bureau of Prisons projects that it will cost 5.2 billion in 1992 to build enough prisons to house the exploding prison population. Our tax dollars could be better served by expanding already existing "Boot Camps" for the nonviolent offenders in the prison system this could lessen the strain and opposition toward building new facilities. We cannot ignore the fact of physically violent offenders getting less time than drug offenders who have not committed an act of violence. Nonviolent drug offenders have caused hurt to their families by having absent parents, and to themselves by not being a productive part of our society.

Please consider doubling 54 days time-off for "Good Time", this could also play a key role in assisting in the over crowded prison population.

The U.S. Sentencing Commission released a report on mandatory minimum sentences. It reports that these sentences cost an additional \$79 million to \$125 million in 1990. It was also found that the drug king importer is more likely not to receive a mandatory minimum than the street level offender. It's clear that the sentences are not doing what they were intended to do. Instead, we are sending a message to our society. Don't be a street drug offender. Be a drug king importer. You serve less time, and in many instances can get even lesser time by being an informant against those you sold drugs to. Not only do they make the big money, but they get out of prison at a reasonable age. Not a good message to our society. We must insist that all who play must pay. I know about mandatory minimums because my brother is serving one. The judge was forced to give him 97 months because of the mandatory minimum. The judges hands are tied. If this is the case than what judgement do our federal judges really have? My brother had a decent job painting houses. With his income he purchased food, paid bills, cared for his children. Now his family depends solely on state aid for their income. What is it costing our government to provide for these families while the main breadwinner is in prison? I understand that Steve's drug offense cannot go unpunished, yet the punishment does not fit his crime. How can any man leave prison a better citizen in this situation? Is this the true American tradition of Justice?

By charging street level drug offenders for what the drug king importer deals with, or in, we are again sending a poor message. Not only are we responsible for our own actions, but now we are being told we're responsible for others. Are we to become a country where people are to police people? Has a communistic like attitude died in one country only to be re-born in our?

You can help restore justice to the American public. Yes, the drug problem in this country is bad, but stripping a judge of his ability to determine the appropriate sentence does not solve the problem...it only creates new ones.

The House Judiciary Committee is considering holding hearings on mandatory minimums in January or February. Please contact Rep. Hughes to offer them your support. And whenever mandatory minimums are discussed, please consider whether justice really is being served.

As your constituent and a member of (FAMM), I am vitally concerned with your position on this issue. Please write back and let me know if you will support changing the mandatory minimum laws.

I look forward to hearing from you soon.

Sincerely yours,

Laurie A. Cornell
908 16th Avenue, S.E.
Cedar Rapids, Iowa 52401

Please complete this form and return to:

U.S. Sentencing Commission
1331 Pennsylvania Av. N.W.
Suite 1400
Washington, D.C. 20004
Honorable Wm W Wilkins Jr.

CONSENT FOR RELEASE OF PERSONAL RECORD INFORMATION

The Privacy Act of 1974 prohibits the Government from revealing any information from personal files of individuals without the express permission of the person involved. Disclosure of personal records to a Senator who is acting on behalf of a constituent is prohibited, unless the individual to whom the record pertains has consented.

I, the undersigned, hereby authorize Wm. W. Wilkins Jr. to receive information in my file pertinent to his inquiry on my behalf.

Fronde Steve

Name (please print)

Spouse name (if applicable)

Steve Fronde

Signature

Signature

2/9/92

Date

Date

481-72-1213

Social Security Number

Social Security Number

Address: Steve Fronde 06366-029

Address:

E.C.I. Arford po. Box 1000

Oxford Wisconsin 53952-1000

Phone(daytime)

Phone(daytime)

STATEMENT OF PROBLEM

I strongly object to the new sentencing laws
and I feel the enclosed letter drafted by my
sister sums up our feelings adequately.

Please address answers to me.
Steve Fronde

518 N. Houston, Apt. 3
Maryville, TN 37801
February 19, 1992

United States Sentencing Commission
Attention: Guideline Comments
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, DC 20004

Dear Commission Members:

In response to your request for public comment regarding proposed amendments to the sentencing guidelines, we are writing to provide you with our opinion in this matter.

In reference to Chapter 5, Part A - Sentencing Table, 28(A), we strongly support the amendment which proposes the creation of a new criminal history category 0. The current absence of such a mitigating consideration for individuals who have no prior criminal history whatsoever offends the cause of fairness and justice.

Of the proposed remedies for the deficiency, we support a Chapter 4 reduction of offense level for first time offenders regardless of the primary level of their offense. Additionally, category 0 first offenders should have greater exposure to a broader selection of alternatives to imprisonment as well. Those who have demonstrated aberrant behavior must be given the opportunity for rehabilitation.

Moreover, should this amendment be incorporated into the sentencing guidelines, it should be done so with the stipulation that it be retroactively applied to cover and compensate accordingly all those who are currently incarcerated as first offenders.

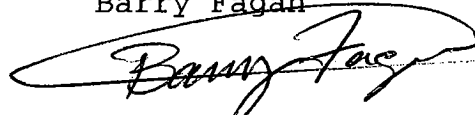
We also want to express our opposition to the continuing imposition of mandatory minimum sentences for drug offenses. The extreme injustice perpetrated by law that prohibits a sentencing judge from consideration of any factors of a case other than the type of drug and the weight is draconian. Mandatory minimum sentences in no way serve the cause of justice, nor do they contribute to the rehabilitation of the offender. Rather than being an influencing factor in helping to solve drug and crime

problems in our society, they promote disparity, inequity, tyranny and gross injustice. Mandatory minimum sentences are not achieving the goals for which they were intended. In order to preserve the great American tradition of judicial equity, fairness and justice for all, mandatory minimum sentences must be abolished.

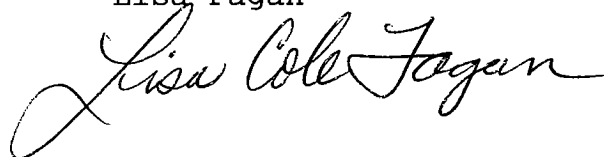
Please give these comments your favorable consideration and implement accordingly.

Respectfully,

Barry Fagan

A handwritten signature in cursive script, appearing to read "Barry Fagan", written over a horizontal line.

Lisa Fagan

A handwritten signature in cursive script, appearing to read "Lisa Cole Fagan", written below the name "Lisa Fagan".

02/24/92

Judge William W. Wilkins Jr.
U.S. Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite #1400
Washington, D.C. 2004

Dear Judge William W. Wilkins, Jr.:

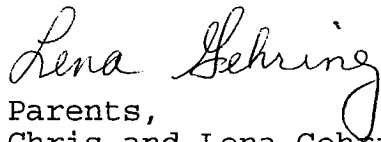
We do not argue that crime should go unpunished, we only argue for just sentencing. Our son, Allen, and Daughter-In-Law, Sharon, have been imprisoned without the probability of parole and have never been given a second chance.

There needs to be more incentive given for rehabilitation of good behavior in prison so that they are able to become productive citizens again.

The unfair sentencing causes a tax burden; not a tax benefit, the long incarceration of potential productive citizens is outrageously unjust. Other crimes such as murder, robbery, arson, assault, embesslement, and rape receive lesser sentences. The long term minimum sentences are counterproductive. They do not promote respect for the law.

The sentence needs to provide the defendant with educational and vocational training as well.

Signed the concerned parents of Allen and Sharon Gehring,

A handwritten signature in cursive script that reads "Lena Gehring". The signature is written in dark ink and is positioned above the printed name and address.

Parents,
Chris and Lena Gehring
P.O. Box 5305
George, WA 98824

02/24/92

Judge William W. Wilkins, Jr.
U.S. Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite #1400
Washington, D.C. 2004

Dear Judge William W. Wilkins:

First and up front, plain and firm - we are totally opposed to the use, sale, manufacture, or farm of any and all the so called "street drugs".

Our son, Allen, and Daughter-In-Law, Sharon, along with others, were involved with marijuana growing. They realize and admit this was illegal and wrong. What is extremely - the inconsistency of the Federal Prosecutor - of no sentences to the other accomplic's and the dropping of all charges on the questionable Drug Trafficker and Plea Bargain Informer, appear unreasonably unfair, unjust and bias!

This letter and great concern involves Federal Mandatory minimum sentences. These laws show no concern or discretion, considerations, or adjustments for non-violent, first time offenders, especially versus a hardened mafia, gun-killing, King/Ring owner/leader person organization. These rules and laws delegate total power from the political system and to the Federal Prosecutor. The presiding judge is cut out of the process and his hands are tied and is bound and of no impact or argument. This law and course appears very counter productive, dictatorial, prejudices and creates disparities.

We request the program of Sentencing Guidelines be instituted

with the Federal Drug Laws Program and System.

Federal Mandatory Minimum Sentences cases versus the very same city, county, or state jurisdiction cases consummates with a 4/5 lengthier Federal time element period sentence... Why so????!

In this situation, our kids received a much harsher, lengthier sentence than many rapists, bank robbers, illegal fire arms dealers, murderers, and repeat offenders of the more gruesome and violent type crimes. As the Federal Law now reads - our two first time offender kids have no recourse for possible early release, parole, work release program - job, community service, or charity service work programs or model prisoner and the like and nature. Do what is proper, correct, right and just.

Sincerely,


Parents,
Chris and Lena Gehring
P.O. Box 5305
George, WA 98824

02/24/92

Judge William W. Wilkins, Jr..
U.S. Sentencing Commission
1331 Pennsylvania Avenue N.W.
Suite #1400
Washington, D.C. 2004

Dear Judge Williams:

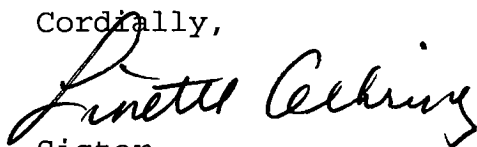
My brother, Allen, and Sister-In-Law, Sharon, have been imprisoned for 7 and 5 years respectively, without the probability of parole because of selling marijuana. Allen and Sharon have never been in any trouble with the law before, they have no previous records. The other people involved with the growing and selling of the marijuana were set free after testifiying against Allen and Sharon. In addition, these people MADE A DEAL WITH THE GOVERNMENT AND WERE PAID, IN THE RANGE OF \$1,000 TO TESTIFY AGAINST ALLEN AND SHARON, THEN THEY WERE SET FREE.

As I see it, the laws of the government need to be revamped. I believe in punishment that fits the crime of the person; however, I DO NOT believe in the UNJUST ways of our United States Gevernment! What ever happened to the rights of the people? How did one person end up with so much power??? Why is the prosecuting attorney, Earl Hicks, given all the power and the rest of the court, mainly the judge himself, given NO POWER AT ALL????!! Allen and Sharon have been imprisoned without the probability of parole and will never be given a second chance. The other people involved had marijuana in each of their possessions and most had previous records with the law. Allen and Sharon have never been in trouble before, except for the possibility of speeding tickets. On top of

this, the others involved were paid by the government to RAT on Allen and Sharon, when they were involved in the crime, and were the ones who had the marijuana in their possession. Is this because Allen and Sharon are the only people who had any value to the Government worth confescating... such as thier automobiles, properties, and money???!!!

The unfair sentencing and the long incarceration will tend to make these people hardened criminals by the time they are out of prison. What about first time offenders??? Why are they treated so harshly and so unjust?? What about the other crimes such as murder, robbery, arson, assault, embesslement and rape? Even those who sell more harsh drugs such as cocaine and heroine are treated in the same category as marijuana dealers (and yet on the other hand, the government is thinking of legalizing marijuana). How do these people get away with only a few months or a year and Allen and Sharon get 7 and 5 years respectively? Where is the justice? I do believe in punishment, but I believe in punishment that fits the crime and the person, NO one GENERIC sentence for a crime. This does not account for those people who have made a mistake and are ready to make up for it. The long term minimum sentences are counterproductive. They do not promote respect for the law.

Cordially,



Sister,
Linette Gehring
N. 4520 Best
Spokane, WA 99216

714 Dale Ave., S.E.
Roanoke, VA 24013

February 28, 1992

U. S. Sentencing Commission
1331 Pennsylvania Ave., Suite 1400
Washington, D.C. 20004

RE: Proposed Amendments

Dear Sirs:

I understand that public comment is due in order to be considered in time for your May 1 congressional deadline for proposed amendments.

I have enclosed a copy of my August 26, 1991 letter (and attachments) sent to all 435 congressmen and 100 senators which adequately expressed my concern that the "punishment no longer fits the crime", reminding you that my comments were timely received.

It is the opinion of some, as you can see by the enclosed copies of newspaper articles, that the government is directly responsible for creating an environment that causes an increased number of violent crimes and or homicides, due to the so-called "war on drugs". Our government insists on ignoring the solution to the drug problem (including alcohol) which is education, and instead has opted to build more prisons as a means of "sweeping the problem under the rug". Gentlemen, warehousing human beings for non-violent crimes is nothing short of legal theft of taxpayers money. You are unconscionably tearing apart the family unit to cover your own tracks.

Our constitution is being completely ignored when an American is sentenced to prison for life, without parole, for a few grams of "drugs" while the worst drunk driving accident in U.S. history (killing 27, 24 were children; news article enclosed) leaves the defendant with the possibility of parole in only eight years.

The average sentence for murder in the United States is not as severe as a defendant convicted of a moderate drug offense. The United States citizen is hardly being afforded equal protection under the laws. Jeffery Dahmer received 15 life sentences, so what; a moderate nonviolent drug offense often carries a life sentence (what else is 20 years without parole) and in both cases, each only has one life available for punishment. Equal protection?

The time has passed for you to return to the courts the power to set punishment on a "case by case" basis. Federal prosecutors, aided and abetted by probation officers, have made a mockery of the the sentencing guidelines. More and more, it is not what the crime was, but who committed the crime that sets the sentence in motion. Federal prosecutors drop violent gun charges on "admitted perjurers", in essence paying them to testify against less violent defendants. The defendants sentence is unfortunately controlled by "very partial" prosecutors (or persecutors) who, "thanks to your substantial assistance" dole out favors to defendants depending on which ones accept their blackmail of "damned if you do, but really damned if you don't".

The current sentencing guidelines for drug related offenses violate the equal protection amendment of the constitution, because in the long list of drugs that are detrimental to our society, the guidelines select the least harmful, and neglect the drugs which affect most Americans the worst. Because marijuana and cocaine became so popular, so quickly, the government is trying to combat its popularity by doling out severe punishment for its use and sale, completely ignoring facts published by its own agencies that cocaine ranks very low in comparison to tobacco and alcohol as a cause of death or in overall harm to society today.

This country cannot morally justify under our constitution that buying or selling a drug which causes 0.5% of deaths in the United States should be punished more severely than alcohol, which causes 15.4% of deaths, or tobacco, which causes 63.7% of deaths in the United States, according to government statistics.

Evidence tends to prove the courts refuse to make these comparisons because alcohol and tobacco products are the source of an enormous amount of revenue for the government. Also, cocaine and marijuana arrests account for a large amount of government revenue through seizures of property and currency. If not that the government refuses to bite the hand that feeds it, what other possible explanation can be provided for such outrageous disparity under our "punishment should fit the crime" standards?

In considering alternatives to incarceration, individual circumstances should dictate whether a defendant may or may not be a productive, law abiding, unit in their community. When 185 community members sign petitions to this effect, what right does congress have to "discriminate by using mandatory minimums", just because a drug related offense was involved?

In the criminal history category, you are punishing defendants twice for the same crime. You may be squeezing by the law in that you are not "charging" the defendant twice - but you cannot deny or justify this double **cruel and unusual punishment.**

If a defendant is convicted "of making a phone call (conspiracy)" and served 18 months, over 9 years ago; how can you legally justify forcing on the defendant another "5 or 10 years" punishment for that same incident (5 or 10 times the original sentence), just because the defendant is later convicted for a separate incident. You've really put one over on the public here.

The "award of a sentence reduction" for any defendant who pleads guilty (acceptance of responsibility) is charitable; however, to have the audacity to "inflict additional punishment" for any defendant pleading NOT GUILTY is nothing short of prosecutorial blackmail.

I am concerned that the sentencing guidelines have been allowed to get so far out of hand; but, more distressing is, to quote Neal Peirce of The Charlottesville Observer (1/11/92): ... "Our police, courts and prisons 'are never held accountable for the effectiveness of their performance, ... the worse job they do the more funds they demand'."

I firmly believe that you can correct some of these atrocities if your constitutional conscience is applied.

I expect to hear from you soon. Thank you for your time and attention. GOD BLESS YOU, OUR PRESIDENT and OUR NATION.

Very truly yours,

A handwritten signature in cursive script that reads "Ruth Zind".

Mrs. Ruth Zind
Concerned Mother and
Enlightened American

ENCLOSURES

cc: The President of the United States of America

714 Dale Ave., S.E.
Roanoke, VA 24013

August 26, 1991

The Honorable _____

for the State of: _____
UNITED STATES SENATE
Washington, D.C. 20510

RE: Current Sentencing Laws

My Dear Senator _____:

Recently, the enclosed newspaper article regarding federal judges protesting the severity of prison terms was printed in the Lexington Herald-Leader, Lexington, Kentucky; and, another article was printed in the Bureau of Prisons newsletter suggesting that our Nation is considering building and opening four new 500-bed correctional facilities per week, a copy of which is also enclosed (and I will use quotes from both).

It is incomprehensible that the United States would ever consider allocating \$104 BILLION PER YEAR for such an unnecessary expenditure, when in another five years the debts incurred by the U.S. corrections system alone could double the current national deficit. It is obvious that the steady increase in prison/jail population is a direct result of the severe sentencing laws. In short, what are you doing to alleviate this situation? This country has no idea of the impact of the current sentencing laws unless a family member or friend has been subjected to an unjustifiably harsh sentence.

Someone said, two wrongs do not make a right. I believe that the punishment should fit the crime and I in no way wish to minimize anti-drug laws; however, the United States in our zeal to wage war against drugs has escalated the punishment for ANY drug related offense to exceed that of murder, robbery or sex offenses. I am embarrassed for this country; knowing that people are in prison (for instance) for ten years "for making a phone call or giving someone a ride". There is more conspiracy involved in the act of successfully prosecuting this idea than the actual criminal deed itself. Doubly unjustifiable is the fact that the more culpable defendants are quickly back on the streets, thanks to the invitation to falsely testify or commit perjury under the substantial assistance clause (which is substantially abused as an easy-out from mandatory sentencing). Granted, drug related offenses are known to be the more "monetarily lucrative" for the agencies seizures and the courts fines; but, had this country not focused its attention so deliberately on drugs alone, possibly someone, somewhere, could have stopped the Dahmer tragedy long ago. This country is so mesmerized by the hype of "drug busts" that nothing short of a modern day cannibal story could rivet our attention elsewhere.

Admittedly, drugs cause death; however, ironically, most drug related deaths are linked to LEGALIZED ALCOHOL (and tobacco). Something to think about when considering another person's "degree of guilt".

Although several studies are underway questioning mandatory minimums, you should also be aware that since the prisons are bulging at the seams, research reflects that facilities initially constructed to house 500 inmates are currently housing anywhere from 1,300 to 1,500. Cells have been added,

however, neither the kitchen facilities, visiting rooms or medical facilities were expanded to accommodate the additional inmates' needs. There are approximately 40 inmates "per shower"; approximately 80 inmates awaiting availability "per telephone"; visitors are constantly urged to terminate their visits or visits are terminated forcefully due to over crowding; and medical treatment is at best questionable as physicians assistants assume M.D. responsibilities due to understaffing. Americas correctional facilities/ prisons have successfully been transformed into inhumane DEbilitating dog pounds. Also, the approximately \$50,000 per year "per inmate" which is unknowingly and needlessly provided by taxpayers is obviously not sufficient to accommodate the current increase in prison population (or, where were the funds applied?).

If the above is any indication that mandatory minimums are working reasonably well; we all know that any dog can be whipped into submission. Let us not forget that this is the United States of America and albeit in the "political climate" any perceived weakening of anti-drug laws is unlikely, it is equally unlikely in the "voting climate" that WE THE PEOPLE will tolerate the decision to inflict cruel and unusual punishment in the guise of current sentencing laws as humane treatment for Americans.

By copy of this letter to President Bush, I am imploring him to with a stroke of his pen grant reasonable decision making power to responsible federal judges and allow the courts to take immediate action in alleviating one of this nation's major blunders (current sentencing laws) by allowing federal judges to amend their own admittedly severe sentences to allow for a more justifiable number of years which takes into consideration the degree of guilt, defendant's background, and prospects for rehabilitation. Many federal judges have already documented this information during sentencing(s) as "...I want to say on the record that the sentence that I have to impose, that is mandated by Congress, is more than you should have...". U.S. v. Payne, Criminal No. 90-00020, U. S. District Court, Western District of Virginia (pending appeal, Fourth Circuit Court of Appeals).

I am 78 years old and my son has been directly affected by your current sentencing laws (U.S. v. Payne). Had I not experienced this tragedy in my own family, I would not have been aware of what is happening in our nation today. I will expect and welcome your response(s), all 536 including The President, and if you choose not to respond I will note that you support the current sentencing laws, as I plan to enlighten as many people as possible as to your future plans to solve this situation (hopefully immediately).

Thank you for your time and attention, and GOD BLESS YOU, OUR PRESIDENT and his family, and OUR NATION.

Very truly yours,

Mrs. Ruth Zind
Concerned Mother
and Enraged American

ENCLOSURES

cc: The President of the United States of America;
ALL remaining Ninety-Nine Senators; and
Same letter addressed to ALL Four Hundred Thirty-Five Congressmen

GED Standard Shows Results

The Bureau's new GED literacy standard is beginning to show significant results. The upward climb in GED enrollments and completions began long before May 1, 1991, when the new policy became effective.

As the statistics below document, the number of Federal prisoners enrolling and completing their job performance requirements began to increase substantially in 1990.

<i>Fiscal Year</i>	<i>Inmates who took the GED test</i>
1988	3,897
1989	3,980
1990	6,426
1991 (first 3 quarters)	5,743
Projected Total for FY 1991	7,600

UNICOR Board to Meet; Peterson Joins Board

The Federal Prison Industries (UNICOR) Board of Directors will meet on July 18-19 in Washington, D.C. In addition to routine agenda items, the Board will welcome its newest member, the Honorable Shirley Peterson, Assistant Attorney General, Tax Division, Department of Justice.

Mrs. Peterson was appointed by the President last week; she will represent the Attorney General on the Board. On July 17, Rick Seiter, Assistant Director for

Industries, Education, and Training, and Director Quinlan will meet with Mrs. Peterson to brief her on the critical issues facing UNICOR.

Projections for U.S. Corrections

According to the National Institute of Corrections, the United States currently has 1.2 million people incarcerated—780,000 in prisons and 450,000 in jails. An additional 2.5 million people are on parole or probation, or under community supervision—for a grand total approaching 4 million people under some form of correctional supervision.

This population has been growing at an annual rate of about 13 percent per year for the last 3 years. If the prison population grows at a rate of 10 percent next year, applied against the 1.2 million incarcerated today, the Nation will need to build and open four new 500-bed facilities per week.

Furthermore, at an average per-bed cost of \$50,000, this level of construction would require the expenditure of about \$100 million per week, or \$5.2 billion for the year. When considering that the construction costs for a bed represent only about 5 percent of its total lifecycle costs, the obligations incurred in building these beds would be about \$104 billion per year. In other words, in 5 years the total obligations incurred by U.S. corrections could be almost double the current national deficit.

These rough figures suggest that there will be many difficult decisions to be made about corrections budgets in the next few years, as States and localities weigh the costs of building new prisons and jails against many other hard-pressed items in their budgets.

CLOSE-UP:

Mandatory sentences

Judges assail throwing away key on 1st-time drug offenders

Judges are being forced to slap first-time drug offenders with minimum prison terms that critics claim are too severe.

By Aaron Epstein

Knight-Ridder News Service

WASHINGTON — Except for a speeding ticket, filing clerk Margaret D. Mitchell, 19, had never been in trouble with the law.

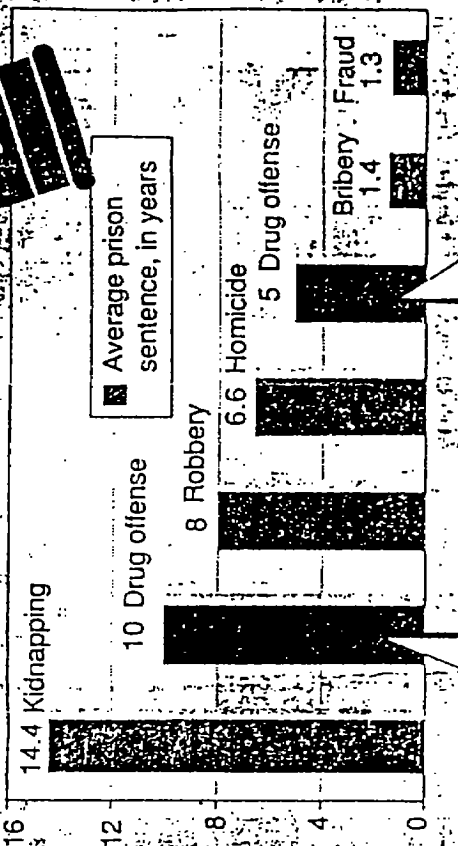
But because she wanted money to buy Christmas presents, she welcomed an offer from her brother's friend to earn \$250 by carrying crack from Los Angeles to Las Vegas. She was caught at the bus station with 504.9 grams of crack in a gym bag.

The law left U.S. District Judge Harry L. Hupp no choice. In October, he ordered her to prison for 10 years without parole. That was more than the average federal sentence last year for homicide, robbery or sex offenses.

"Make no mistake, she deserved punishment, but 10 years is out of whack," the judge, an appointee of former President Reagan, said yesterday. "Here's a young person at the beginning of her life, and suddenly the world has closed in on

Doing the time for drug crimes

Minimum sentences for drug offenses compared with average sentences for other crimes.



Mandatory minimum sentence for manufacturing, distributing or possessing:

- 1 kilogram of heroin
- 5 kilograms of cocaine
- 50 grams of crack cocaine
- 100 grams of pure PCP or 1 kilogram of a mixture of PCP
- 10 grams of LSD
- 1,000 kilograms of marijuana
- 100 grams of methamphetamine (a stimulant)

Mandatory minimum sentence for manufacturing, distributing or possessing:

- 100 grams of heroin
- 500 grams of cocaine
- 5 grams of crack cocaine
- 10 grams of pure PCP or 1 kilogram of a mixture of PCP
- 1 gram of LSD
- 100 kilograms of marijuana
- 10 grams of methamphetamine (a stimulant)

SOURCE: U.S. Sentencing Commission

Knight-Ridder Tribune News

her. This is not the type of case to lock 'em up and throw the key away."

Such stiff prison terms have provoked protests from a growing number of federal judges, including many tough law-and-order Reagan nominees, who say they routinely are forced to mete out

unjustifiably harsh punishment to minor, first-time drug offenders. One Reagan appointee quit in protest.

In Lexington, three months ago, former Corbin High School football coach

Please see SENTENCES, A13

(cont'd. on Reverse side)

More arrests, less deterrence

■ Pouring money into prisons hasn't helped put a stop to violent crime.

Washington Post Writers Group

WASHINGTON — Murder and mayhem mount in troubled inner-city neighborhoods, coast to coast. Politicians say it's time to prosecute young teenage criminals as adults, to get the killers behind bars and keep them there.

For dangerous criminals, until or unless they're truly pacified and rehabilitated, prison is the answer. Society has to be protected.

But if the deterrent to crime are tough prison sentences, years behind razor wire and guard towers, then the murder rate would be dropping now. We've gone on a binge of mandatory and longer sentences, and the deterrence just isn't there.

Except for incarcerating several hundred truly dangerous people, you have to call the performance of our federal and 50-state system of crime control — from police and courts to jails and prisons — a



NEAL
PEIRCE

colossal failure.

Public impressions to the contrary, only a quarter of local jail inmates and a third of people held in state prisons are there for violent crimes, estimates the National Council on Crime and Delinquency. And Bureau of Justice statistics show that except for homicides, serious crimes rates have remained relatively constant since the 1970s.

Still, we've been throwing money into the system as if there were no tomorrow.

In the 20 years from 1969 to

1989, per capita spending on criminal justice in American cities and counties soared 400%, according to Bureau of Justice statistics. The share of city budgets absorbed by police expenditures almost doubled between 1940 and 1989.

Spending for prisons soars

State spending on prisons has increased by a factor of 12 from 1969 to 1989. Yet even today, a deficit-plagued state such as California talks of adding 51,000 prison beds by 1995, at a capital cost of \$5 billion, adding \$1 billion to its budget each year.

The number of people we incarcerate has soared from about 250,000 to almost 1.25 million. With 426 prisoners per 100,000 population, we are world champions in putting people behind bars. Only South Africa and the late Soviet Union even come close. European and Asian countries

GERBACH: WE HAVE A JOB OFFER
THE U.S.

— IT CALLS FOR
POOR LEADERSHIP —

CONFUSED
PLANNING -



OINT

imprison people at a quarter to one-twelfth our rate.

State and local spending on jails and prisons, now pushing \$30 billion a year, has been escalating at well over 10% annually.

We have a crazy quilt pattern of incarceration in state prisons — measured per 100,000 population, the figure is 463 in Nevada but only 181 in New Mexico, 443 in South Carolina but 261 in North Carolina, 421 in Louisiana and 357 in Michigan but only 83 in West Virginia and 73 in Minnesota.

We have a rash of mandatory sentencing laws that have brought us such oddities as a 50-year-old Michigan grandmother, with no prior criminal record, sentenced to life without parole (the same penalty as first-degree murder) for possessing more than 650 grams of cocaine.

And for all this incarceration, have we stopped drug dealing? Have we halted burglaries or auto thefts or vandalism? Reduced peoples' fears? Hardly. Police make arrests in a tiny percentage of cases.

Wrong ones incarcerated

And here's the biggest irony of all: We're incarcerating hundreds of thousands of "the wrong people." Overwhelmingly, they're guilty of petty crimes and pose little danger to public safety. They're homeless vagrants, petty

thieves, bad check passers, people caught with a few ounces of marijuana. And thousands are held in our jails just because they're too poor to raise bail.

With jail and prison beds costing \$15,000 to \$30,000 bed per year — while fiscal squeezes cut back every other critical function of our state and local governments — this is sheer insanity.

Our police, courts and prisons "are never held accountable for the effectiveness of their performance," notes George Washington University's Prof. William Chambliss, in a paper for the National Center on Institutions and Alternatives (NCIA). Indeed, says Chambliss, "the worse job they do the more funds they demand."

Too many jailbirds

While failing to deter wrongdoing, the police dragnet is making jailbirds of startling numbers of young males. NCIA director Jerome Miller points with alarm to a California attorney general's office report showing that between 1974 and 1985, one in three of all California males between 18 and 29 years of age were arrested and brought to jail. Sixty-seven percent of young black men were booked.

Miller is finding even grimmer figures — incarceration rates among 18-35 year-old blacks as high as 90% — in Duval County (Jacksonville), Florida. He esti-

mates over half of young white males from blue-collar and urban backgrounds, and a high majority of blacks, are at one time in their lives brought to jail, given a mug shot and therefore a record.

"We have substituted arrest for all our problems — we just throw people into jail," Miller charges.

"We've succeeded in bringing the whole prison subculture, cops vs. robbers ethic, into the community," says Miller. And it becomes overwhelmingly difficult to organize hard-hit inner-city neighborhoods against crime: "Everyone's brother or father or son has been off to jail already. The idea people will start turning each other in is just nonsense."

Explore alternatives

There are alternatives: emptying our jails and prisons of nonviolent offenders, decriminalizing minor drug offenses, community service sentences, for example.

The risk is that in our rush to imprison anyone we consider dangerous or inconvenient, we may end up criminalizing a good portion of American society at a frightful cost to government budgets — and the nation's social peace — for years to come.

Neal Pinnick is a syndicated columnist who writes about state and local government and federal relations.

— WEAK DELEGATION OF AUTHORITY —

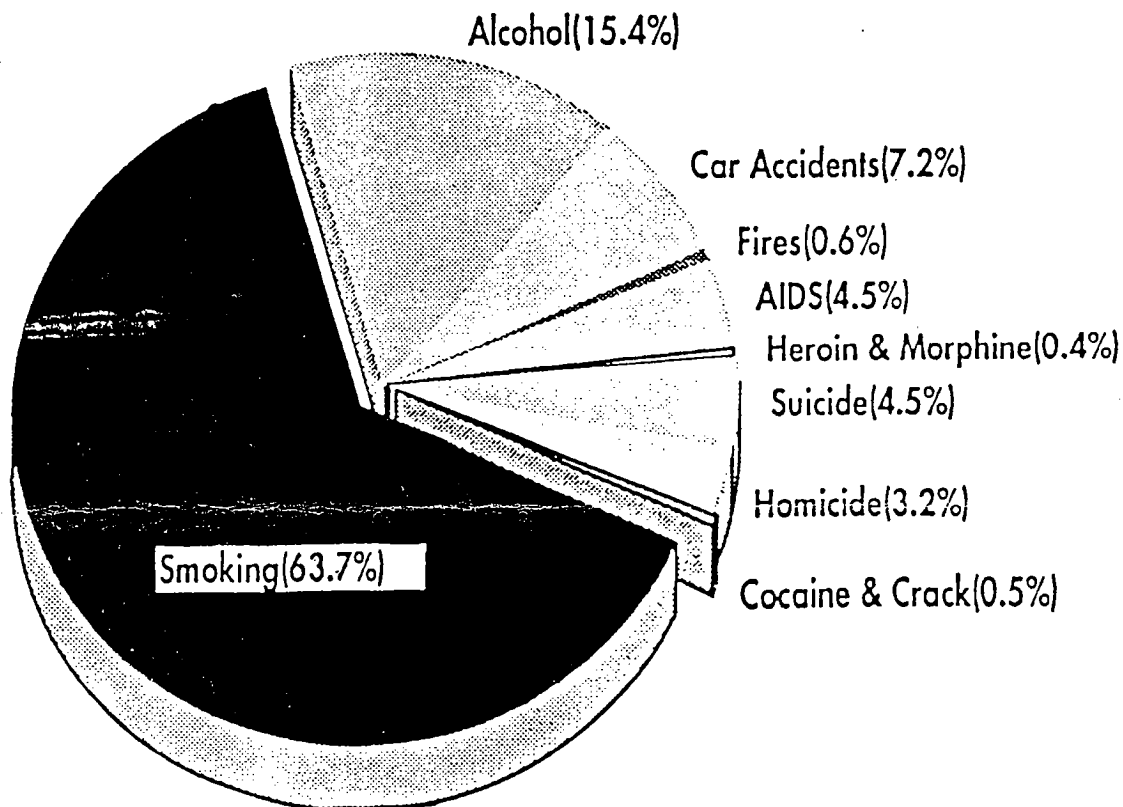


Quiet: Congress at work (sort of)

SMOKING KILLS MORE AMERICANS EACH YEAR

THAN ALCOHOL COCAINE CRACK HEROIN HOMICIDE
SUICIDE CAR ACCIDENTS FIRES AND AIDS

COMBINED.



Approximate Number of U.S. Deaths Per Year:

Smoking	434,000 ¹
Alcohol (incl. drunk driving)	105,000 ¹
Car Accidents (incl. drunk driving)	49,000 ²
Fires	4,000 ³
AIDS	31,000 ⁴
Heroin and Morphine	2,400 ⁵
Suicide	21,000 ⁶
Homicide	22,000 ⁷
Cocaine and Crack	3,300 ⁸

¹U.S. Centers For Disease Control, 1988 data

²U.S. Centers For Disease Control, 1987 data

³National Safety Council, 1989 data

⁴U.S. Centers For Disease Control, 1990 data

⁵National Center for Health Statistics, 1988 data

Smoketree Educational Services, Inc.,
New York, NY

Why the Marlboro Man Wants Your Kids

As the tobacco industry goes after minors and Third World markets, the church stands strangely silent.

CHARLES SCRIVEN

Hook children or lose business. It's that simple for the tobacco companies. They know it, and they act on it. Meanwhile, even though a vigorous opposition—galvanized by tobacco's harvest of death—is fighting back, the churches are surprisingly quiet.

In October of 1990, however, anti-tobacco activists in Washington, D.C., connected for the first time with a circle of the city's church leaders, including a representative from the National Association of Evangelicals. Meeting in the Rayburn Building on Capitol Hill, church participants heard startling accounts of death, greed, and indifference from the coleaders of the Congressional Coalition on Tobacco and Health and two representatives of the Coalition on Smoking OR Health, a lobbying arm of the American Heart and Lung Associations and the American Cancer Society.

Rep. Bob Whittaker of Kansas, at the time the Republican coleader of the Congressional Coalition, left participants with an astonishing image of tobacco's human toll. He said that of the 2.5 million people who die each year from the effects of tobacco, 390,000 are Americans. This latter figure alone, he said, equals the number who would die if three 747 jumbo jets, fully loaded with passengers, crashed

every day for an entire year.

In February, the Centers for Disease Control revised their figures upwards to 434,000 preventable tobacco-related deaths each year. That is an increase of 11 percent—or more than two additional plane crashes each weekend.

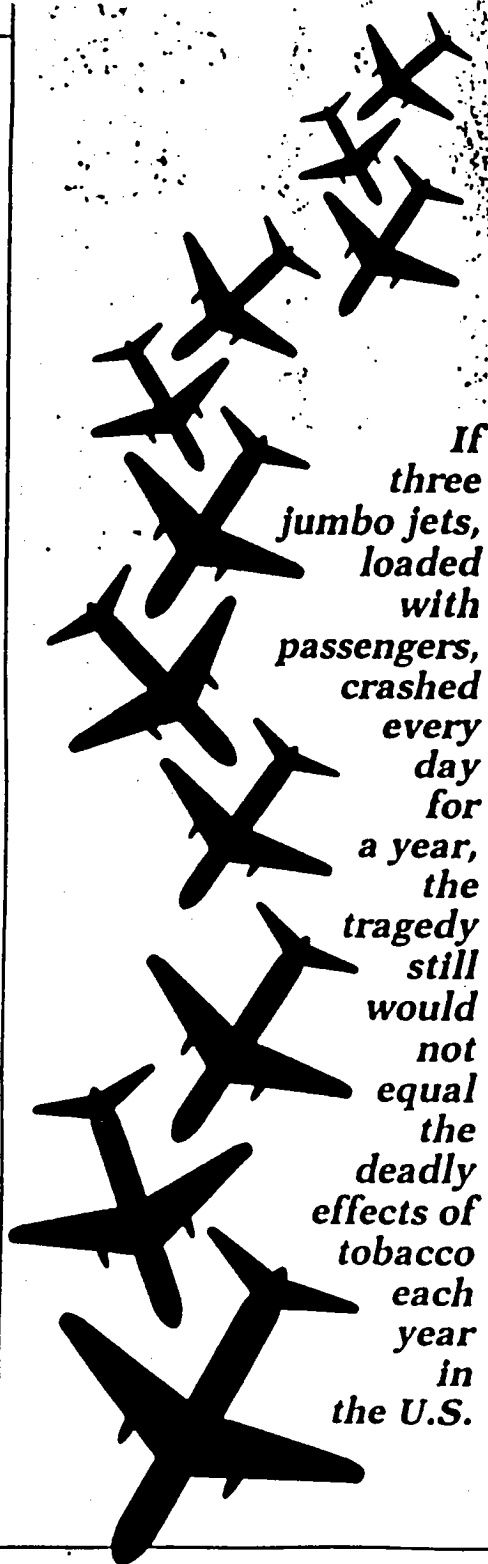
Against killing and destruction, the Lord of the church strives for life abundant. God wants the best for every human being, and he wants us to challenge the world to this same end. Whittaker's image of death surely invites the church to make the fight against tobacco part of its witness to the gospel. The more you realize about tobacco's impact, the more compelling the case for church involvement becomes.

A tobacco pandemic

Whittaker might have added that tobacco causes more deaths each year in the United States than heroin, cocaine, alcohol, AIDS, fires, homicides, suicides, and auto accidents combined.

Studies show that in 30 years, the number of tobacco-related deaths, worldwide, will jump to 10 million annually. Of all the children now living on the planet, 200 million will eventually die as a result of tobacco use. Yet despite the overwhelming evidence that tobacco causes cancer, heart disease, and respiratory illness, the industry continues to deny that its product is dangerous and continues to market it aggressively.





**If
three
jumbo jets,
loaded
with
passengers,
crashed
every
day
for
a year,
the
tragedy
still
would
not
equal
the
deadly
effects of
tobacco
each
year
in
the U.S.**

ernment to back down on the matter of advertising.

Now foreign companies can sell tobacco products in Thailand but not promote them, except by the display of empty packs at retail counters. In the words of one antitobacco lobbyist, this constitutes an "extraordinary victory." But for the manufacturers, other markets beckon, especially now the markets in Eastern Europe. Tobacco promotions abroad will continue, and they

will also continue, no doubt, to focus on the young, as they do here.

With this in mind, Matthew Myers of the Coalition on Smoking OR Health remarked at the Rayburn Building briefing that we are "in the truest way the ugly American, preying on the children of other nations." Even though it is a beginning and not an ending, the Thailand case supports the hope that this can change.

Private vice or social evil

At the briefing, the speakers' message for the churches was this: Fight tobacco; raise your voices, too. Here and there this is already happening, as in the work of the Interfaith Council on Corporate Responsibility and in the witness of such inner-city congregations as the Abyssinian Baptist Church in Harlem. But for the churches in general, and certainly for religious lobbyists in Washington, tobacco's harvest of death still ranks low as a subject for public witness.

Why? It may partly be that the grim facts still elude attention. Former President Jimmy Carter recently remarked, "It's sobering for me to know that more Colombians died last year [1989] from smoking American cigarettes than did Americans from using Colombian cocaine." This is not only sobering, it is surprising—people are still not fully aware of the extent of the damage tobacco causes.

Another reason for tobacco's low rank as a subject of public witness is the commonplace idea that smoking is a merely private vice. On this view, as philosopher-economist John Stuart Mill might have said, you may be justified in "remonstrating with" smokers, but since they are "sovereign" over their own bodies, you would not be justified in "interfering" with their freedom to smoke. Or to paraphrase philosopher-musician Leslie Gore, "It's my body, and I can die if I want to."

The feeling that smokers only harm themselves has typically stunted enthusiasm for governmental action on the tobacco question. But because the nicotine in tobacco is addictive, the choice to smoke does not in the long run express the ideal of personal choice so revered in our society. It undermines it. This in itself lends plausibility to at least some efforts of tobacco control, including, surely, efforts to protect children from the industry's cynical inducements.

But smokers, in fact, cause harm to others. Women who smoke while pregnant harm the unborn children they are carrying. Likewise, smoking in men has been linked to a higher incidence of congenital weaknesses in their offspring. All smokers harm those who must breathe the air they contaminate. The evidence establishes all this beyond reasonable doubt. Indeed, according to the January 1991 issue of *Circulation*, a journal of the American Heart Association, passive smoking kills 53,000 Americans each year and is the third leading, preventable cause of death in the United States. Only alcohol and active smoking rank higher.

Another hindrance to the Christian witness on tobacco and public policy is the lingering sense that the gospel addresses individuals rather than societies. But more and more, Christians are recognizing that the quality of personal life depends substantially on the quality of public life. And more and more, they are recognizing that the biblical call to win converts is also a call to heal societies.

For each individual and for the whole world, the divine goal is abundant life, exuberant, joyful peace. God not only promises such a blessing; God invites us to be, like Abraham, mediators of this blessing in all the earth.

One way for the churches to embrace this hope and task is to join the struggle against the tobacco pushers. Users of tobacco harm themselves—in the end not so much because they choose to do so as because they are addicted. Those who smoke harm others, too. The industry harms others on a massive scale, and with massive cynicism.

The U.S. government should, without pinching off the freedoms our Constitution guarantees, take ever stronger action to stop the harm. And to this end, the churches should raise their voices high. This is not a question of merely private vice. It is a question of social evil and institutional wickedness. In large part, it is a question of the deliberate victimization of children for profit. The Christ who took children in his arms would disapprove, and so should we.

Charles Scriven is the author of The Transformation of Culture: Christian Social Ethics after H. Richard Niebuhr (Herald Press) and pastor of the Sligo Seventh-day Adventist Church, Takoma Park, Maryland. Dr. Scriven is also program chair of the Washington Institute for Contemporary Issues.



WHY DO WE LEGALIZE NICOTINE?

by Jimmy Swaggart

The young Dominican Republic student's words shocked me.

"My mother lives in New York City," he told me as he and three friends stopped me on a bayside street in Santo Domingo a few months ago, "but she sent me back here to attend (high) school." Noting what I'm sure was a look of bewilderment on my part, he quickly added the reason. "The drug situation in New York City is so bad that Mom didn't want me to be in that environment."

Call it American pride or call it naivete, but I simply could not believe my ears: America, the greatest nation in the history of the world, forcing its best and brightest to abandon her shores in search of a drug-free educational experience. We have a problem, friends, and the sooner we wake up to that, the sooner we can begin to change this nation. — *Church At Ashland*

As bad as the "hard" drug problem is, however, it pales in comparison to an even bigger drug problem, a problem that cost America 400,000 lives in 1985 alone. Cocaine, you see, is deadly — 400 people died from its abuse last year, devastating families from California to Maine — but it is not our biggest drug menace. The recipient of that "honor"? Tobacco. Nicotine. Cigarettes. The socially acceptable way to die, with its victims unable in their epidemic number of deaths to stir even a hint of a "war" on one of our deadliest foes.

EDUCATION IS NOT ENOUGH.

Yes, I know that there are hundreds of millions of dollars spent each year educating the public about the evils of smoking, and I thank God for that. Yet, even as we do that, we continue to subsidize those who grow the killer weed, spending precious tax dollars to, in effect, further this carcinogenic plague. It is ironic; it is also stupid.

The deaths we are seeing now, of course, go back to the 1930s and '40s, when Hollywood did its best to portray smoking as the "chic" thing to do. Look at the old movies — virtually every star of that age, and many of the starlets, was a screen smoker. Those were the golden days, and America followed suit like lemmings heading into the sea.

The Surgeon General in the 1960s, of course, changed public perceptions, pointing out the lung cancer implications of cigarette smoking in a report that has probably saved countless lives since. For those hooked before, though, it was often too late to stop. Humphrey Bogart found that out. Gary Cooper paid the same price. And, unfortunately, so did thousands of their emulating fans.

What makes all of this even more tragic is that tobacco was thought in its early days to have medicinal value. Jean Nicote, from whom nicotine got its name, introduced tobacco in France

in 1559, from where it spread quickly to England and throughout the rest of Europe and the Orient. They even thought, in what retrospectively rivals the flat-earth theory in incredulity, that this strange plant strengthened the voice and throat. Unfortunately, about all it strengthens is the economies of the states that grow it, states like Virginia, North Carolina, South Carolina, and Kentucky.

A DIFFICULT HABIT TO BREAK

The appeal of smoking is certainly physiologically based, at least primarily. Nicotine (which is really a poison, often used in large quantities as an insecticide) is a nervous system stimulant, promoting the flow of adrenalin and other internal secretions. That that same nicotine causes lung cancer makes it no less difficult a habit to break — more difficult, in fact, experts say, than many of the harder drugs.

Even with all of the evidence, however, we continue to spend our tax dollars to promote this poison's cultivation, hypocritically passing laws outlawing marijuana while simultaneously ignoring the legal killer in our midst. Particularly distressing are the trends: While men are smoking less, women are smoking more, consigning our future generations to a legacy of addiction and dependence. If the Roman Empire destroyed itself by lead poisoning, as some believe, are we not following a dangerously similar path?

Consequently, the legalization of nicotine which occurred so long ago has only brought about a glut of usage which has resulted in millions of deaths. That should warn us that legalization of marijuana, cocaine, or other drugs will not stifle the plague, but only enhance it.

THE ANSWER: COURAGE!

The answer to the problem, apart from continued education, is a strong dose of courage. Courage by Christian tobacco farmers who will say, "This is not right. Enough!" Courage by our political leaders, who will not only stand up and fight these ridiculous subsidies, but who will levy the sorts of taxes that would discourage usage. And courage by those who are addicted, courage to lay the cigarettes down and — with God's help — keep them down.

An itinerant evangelist warned the Corinthian church about this some 2,000 years ago: "Know ye not that ye are the temple of God . . . If any man defile the temple . . ."

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Reprint from the *Morning Advocate*, November 2, 1986.

Wake

LIVING REMINDER: Joyce Hunt, son Mitchie of El Paso, Texas, live with the horrors of a drunken driver. Mitchie was paralyzed from the waist down when his drunken father flipped his car.

Medications boost effects of alcohol

By Tim Friend
USA TODAY

Two drugs prescribed widely for stomach trouble can boost alcohol's effects, making a person far more intoxicated than expected, a study shows.

The drugs, Zantac and Tagamet, inhibit production of an enzyme that breaks down alcohol in the stomach. That means more enters the bloodstream. Zantac and Tagamet are taken by millions of people for such problems as persistent heartburn and ulcers.

Zantac is the world's most commonly prescribed drug and is the third most commonly prescribed in the USA.

In the study, to be published in Wednesday's *Journal of the American Medical Association*, 20 patients drank the equivalent of 1½ glasses of wine with a meal. Results:

► Zantac increased the blood alcohol content 34%, about the same as drinking two glasses of wine instead of 1½.

► Tagamet increased the blood alcohol content by 92%, the equivalent of three glasses.

"People usually know they can tolerate a glass or two of wine with a meal," says Charles Lieber, of Mount Sinai School of Medicine, New York. "But if they're taking one of these drugs and have to drive, they may find themselves impaired without any warning."

COVER STORY

Half of traffic deaths due to drinking

By Lori Sharn
USA TODAY



LARRY MAHONEY: 'Still sorry' for 27 deaths, 2A

for up to 70% of first-time drunken-driving arrests — and remain the toughest nut to crack in reducing highway carnage. They'll be a factor in fatalities on New Year's Day, which remains an especially risky time to drive: 79 of the 128 traffic deaths Jan. 1, 1990, were alcohol-related.

"It isn't that somebody who's had a couple of beers is harmless, but the heart of the problem is the person who's had a dozen beers," says sociologist H. Laurence Ross, an authority on drinking and driving.

In the decade since drunken driving entered the national consciousness after campaigns by Mothers Against Drunk Driving and others, thousands of lives have been saved. Last year's 22,084 alcohol-related deaths were down 12% from 1982. Still, alcohol is a factor in half of traffic fatalities. But much of the improvement, experts say, comes from

Please see COVER STORY next page ►

economic news Monday.

Sales of existing homes were up 5.4% in November, the second straight rise and the biggest in six months.

The news added fuel to a year-end rally on the stock market, where the Dow Jones industrial average jumped 62.39 points to 3163.91 Monday.

But while stocks are hot, consumer confidence still is not.

The Conference Board, a business research group, says its Consumer Confidence Index slipped to 52.4 in December vs. 52.7 in November. It had plunged 7 points from October.

Only 4% of those polled in December '91 said jobs were plentiful; 48% said jobs were hard to find.

The index now is lower than the bottom of the 1981-82 recession: 54.3 in October 1982.

A rebound in housing and home sales could help.

The National Association of Realtors says existing home sales rose to a seasonally adjusted annual rate of 3.33 million in November, up from 3.16 million in October. By region:

► Up 11.8% in the South and 4.5% in the Midwest.

► Flat in the Northeast.

► Down 1.9% in the West.

Low mortgage rates are a big lure for first-time buyers. The average 30-year fixed-rate loan is 8.35%, says the Federal Home Loan Mortgage Corp.

And lenders are beginning to offer mortgages at under 8%.

"We are seeing a steady flow of buyers, mostly in the entry-level category," says NAR president Dorcas Helfant. "Those sales are keeping housing sales out of the doldrums."

But they are still below the late 1980s, when annual sales remained above 3.5 million.

And few current homeowners are trading up. "With home prices depressed in many areas, homeowners aren't eager to sell," says David Wyss of DRI/McGraw Hill.

► Market pops its cork, 1,3B

price hikes

By Jack Kelley
USA TODAY

MOSCOW — Anxious government officials are appealing for calm and downplaying possible violence on the eve of Russia's economic reforms.

"The situation ... gives no ground to suggest a possibility of a major social explosion," said Russian Deputy Prime Minister Yegor Gaidar, architect of the reform program. "Society is ready."

Most price controls end Thursday, sending costs soaring — although ceilings are set for some staples such as milk, bread, sugar and fuel.

Many Muscovites said they have hoarded as much food as their apartments can hold and were in line Monday just to see what was available.

"Whatever it is, you buy it, whether you need it or not," said subway custodian Victor Kebich, 44, walking out with three bread loaves. "You're surely not going to find it tomorrow. Then on Thursday, who will be able to afford it?"

Two people died in bread line fights in Siberia.

Officials expect increasing criticism from people who can't afford higher prices, but say the program is needed.

"The privatization program is the most effective means of lowering the level of social tension in the country," said Vladimir Shumeiko, deputy head of the Russian Parliament.

Also Monday, in Minsk, Belarus, leaders of the newly formed Commonwealth of Independent States agreed to:

► Maintain a permanent unified command over the Soviet nuclear weapons arsenal.

► Allow the 11 members form separate national guard

► Military debate, 4A

Texans fight off flood



BRACING FOR THE WORST: Sharon Jurica, left, holds a Al Smith shovels sand for a levee around Jurica's house in south Houston, Texas, Monday. Melissa and Danny Eichler h More floods are expected with rain again predicted for Says Jurica: "We've been sitting here for several days watching the water creep." (Houston suburbs threaten

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To punish or treat: What works?

Continued from 1A

behaviorial changes among casual social drinkers, not hard-core offenders. "The successes have not kept up with repeat offenders," says the National Highway Traffic Safety Administration's Mike Brownlee.

More are arrested for drunken driving — 1.8 million a year — than for any other crime in the USA. Yet the average drunken driver drives hundreds of times, thousands of miles, before being caught.

In California, the average blood-alcohol content of those caught is .17% — equivalent to a 160-pound man drinking nearly 10 beers in two hours.

"Our court system for first offenders assumes they are social drinkers, and we send them to lectures on drunk driving," says Jay Winsten, Harvard Alcohol Project director. "We're often dealing with problem drinkers or alcoholics."

Quincy, Mass., machinist Dave Stuart was arrested four times in a little over a year. "My thought was, it was just bad luck," he says.

In the summer and fall of 1986, he would head to a bar after work at 11 p.m., drink eight to 10 beers and maybe a few shots of sambuca within 1½ hours. "The drunker I got, the less drunk I thought I was."

Stuart finally admitted his problem after his fourth arrest, when he was jailed and began a second treatment program.

Some say segregating the debate into problem and social drinkers isn't the answer.

"There aren't two neat groups," says epidemiologist Alex Wagenaar.

There is scant agreement on the most effective way to reach problem drinkers — and ultimately reduce highway deaths.

MADD wants more arrests, to increase the risk of being caught, and tougher sentences. "Criminal action needs to be swift and certain," says MADD's Milo Kirk.

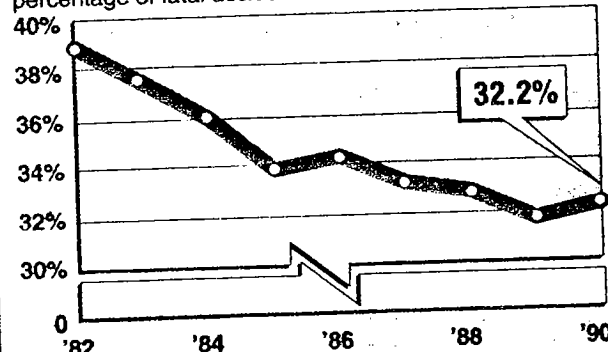
Others stress treatment. Most first offenders in Quincy, Mass., must complete a 26-week program aimed not only at keeping them off the road,

Drinking and driving

The number of fatal accidents involving drunken drivers (those with a blood alcohol content of .10% or greater) has decreased, but states are taking a harder look at a core of drinking drivers, many of whom are repeat offenders:

Fatal crashes and drunken drivers

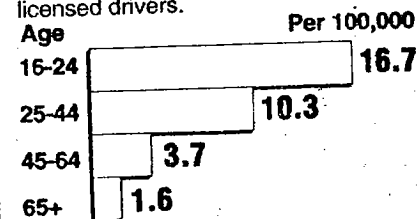
Drunken drivers are involved in an increasingly smaller percentage of fatal accidents:



Source: Centers for Disease Control

Youngest are more apt to be drunk

Accidents involving problem drinkers cut across age lines, but most involve those under age 44. In 1990, there was an average of 8.4 impaired drivers (blood alcohol content of .10% or more) involved in fatal crashes per 100,000 licensed drivers.



Source: National Highway Transportation Safety Administration

Source: USA TODAY research

but keeping them sober.

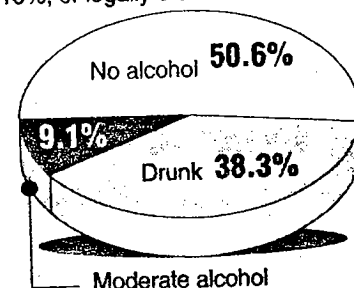
Judge Albert Kramer says 80% of first offenders have an alcohol problem and will probably drive again while drunk. After an evaluation, they're sentenced to one counseling meeting and three Alcoholic Anonymous meetings a week.

But sociologist Ross says stiff sentences only make it worth fighting charges — and they're unlikely anyway because of crowded prisons. "It may make you feel better that bad people are getting punished, but it doesn't help save lives."

Treatment, he says, won't touch the huge majority of drunkards who aren't caught.

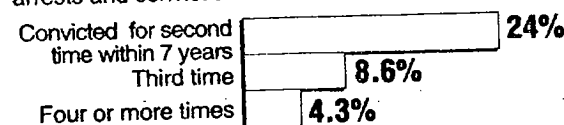
Alcohol a big factor

Nearly half of occupants and drivers and pedestrians in fatal accidents had detectable alcohol levels in their blood, most with a level at or above .10%, or legally drunk:



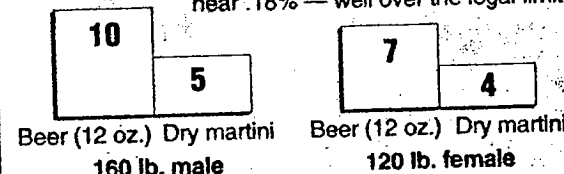
Repeat offenders

According to a California study of all alcohol-related arrests and convictions:



What it takes to get to .18%

Beer or mixed drinks consumed over two hours. Many arrested for drunken driving have alcohol levels near .18% — well over the legal limit.



By Marty Baumann, USA TODAY

A growing number of states are taking away drivers' licenses, vehicle plates — and ultimately the vehicle itself. Many people will still drive without a license, but experts say they don't drive as often and they drive more carefully.

California officials say "on-the-spot" license suspensions helped cut alcohol-related fatalities 15% in one year.

Minnesota this year began automatically taking plates off cars of drivers who'd had their licenses revoked three times in five years for drunken driving, or four times in 10 years.

Experts agree there should be more emphasis on designat-

ed drivers, training those who serve alcohol and changing attitudes toward alcohol.

"There are too many people standing by and watching and waiting until a repeat offender who chronically drives drunk causes a crash," Winsten says.

Chronic offender Mitchell had been drinking heavily on Sept. 17, 1989. Six hours after his crash near Austin, his blood alcohol content was .25, well above Texas' .10 legal limit.

When he picked up his son, Mitchie, 3, for a weekend visit, his former wife Hunt says he told her, "I am not going to hurt my child. I love him."

Two days later, Mitchell was

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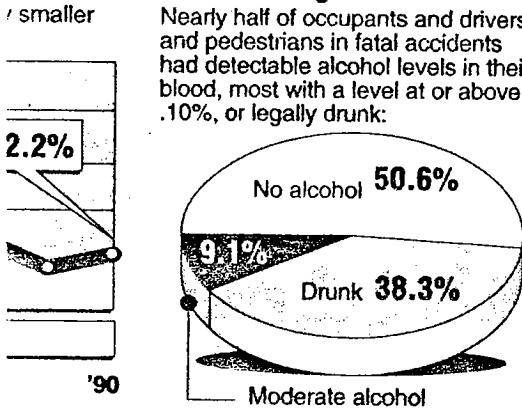
What works?

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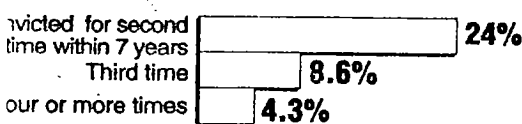
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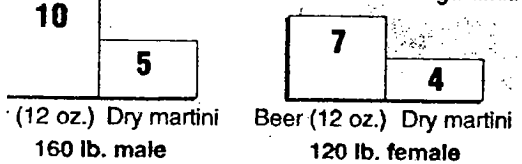
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By Marty Baumann, USA TODAY

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Nightmare in Kentucky

'I think about those families all the time'

By James Harney
USA TODAY

Larry Mahoney can't remember causing the nation's worst drunken driving accident. It still haunts his nights at the Kentucky State Reformatory in La Grange.

"I lie there and I try to think about what happened. I think about those families all the time," says Mahoney, 38, now in the third year of a 16-year prison term.

Shortly after 11 p.m. on May 14, 1988, Mahoney's pickup was traveling in the southbound lanes of Interstate 71 near Carrollton, Ky. His truck slammed into a church bus carrying 67 people back to Radcliff, Ky., from an outing at a Cincinnati amusement park.

The bus burst into flames on impact, and 27 people — including 24 children — died.

Mahoney's blood alcohol level was 0.21, more than twice Kentucky's legal limit. He says he remembers nothing of the crash.

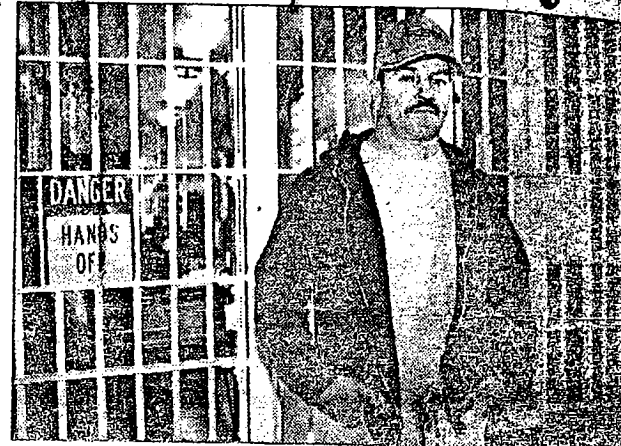
"I woke up in the hospital, and they told me" that 27 had died, Mahoney said in a telephone interview.

"It was hard for me to believe. It was like a nightmare. It took at least a month for it to sink in," he says.

"I pray for them (the victims and families) every day. I don't miss a day. I want them to know that even though I've done 2½ years in prison, I'm still sorry."

driving at least 80 mph along Highway 195 between Austin and Fort Hood when his Nissan Maxima left the road, flipped three times and hit a concrete culvert. Mitchie underwent 18 operations and spent 418 days in the hospital. He remains in a wheelchair, paralyzed from the waist down.

Mitchell, who declined comment, was sentenced to five



By Timothy D. Easley, AP

MAHONEY: Kentucky man was convicted in nation's worst drunken driving accident, in which 27 people died.

Mahoney, who worked as a mixer at a chemical factory, is twice-divorced, with a son, Tony, 19, by his first marriage and a daughter, Shauna, 9, by his second. He was attempting a reconciliation with his first wife at the time of the accident.

He also was a repeat offender: He was convicted of driving under the influence in March 1984 with a blood alcohol level of 0.16. The legal limit is 0.10.

The 1988 binge that ended in tragedy took Mahoney to two taverns, a liquor store and the homes of two friends before, according to court papers, "his friends watched (him) leave in much worse shape than he arrived in."

Controversy surrounded the emotion-charged trial; some victims' families were outraged that the top charge was manslaughter, not murder, then disappointed that the sentence was not more severe.

But one survivor, critically burned 13-year-old Katrina Muller, sent Mahoney a tape-

recorded message from his hospital bed. It said, in part, "I wish Larry Mahoney was right here in front of me. I would tell him I forgive him and maybe it'd make him feel better."

Getting that message, Mahoney did feel good, but it hurt, knowing what shape that man was in," he says.

Mahoney won't be eligible for parole until he has served eight years; still, he advocates stiff sentences for drunken drivers.

"I believe a person should do 30 days in jail for a first offense," he says. "But then you can lock some people up for two and three months and it's not going to make any difference."

Mahoney, who vows that when he is released he will tour elementary schools, warning children of the dangers of drunken driving, says hard prison time has made a difference for him.

"I'll tell you one thing: I'll never touch no more (alcohol)," he says now. "It's just about ruined my life."

years in prison. An appeals court reversed the conviction Dec. 18, ruling that his drunken driving offenses in North Carolina could not be used in Texas to bump the crime up from a misdemeanor — with a maxi-

mum penalty of two years jail — to a felony. Prosecutors are seeking a retrial. "Mitchie spent more time in the hospital than they would allow him to stay in jail," she says. "That's ridiculous."

CORRECTION: The telephone number for Against Drunk Driving that ran in a special advertising section was 1-800-368-2746.

CORRECTION

THE SEARS ADVERTISING SECTION IN TODAY'S PAPER INDICATES TWO DIFFERENT TIMES FOR SEARS SUNDAY EARLY OPENING. THE CORRECT TIME FOR EARLY OPENING IS 10:00 A.M. SUNDAY, DECEMBER 15TH EXCEPT IN LOCAL AREAS WHERE HOURS ARE PROHIBITED. WE REGRET ANY INCONVENIENCE THIS CONFUSION MAY HAVE CAUSED OUR CUSTOMERS.

SEARS

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A SECTION OF IDEAS AND COMMENTARY

C W N NC

SECTION 1

OPINION

Repeal today's Prohibition: Legalize drugs

By JAMES C. PAINE

One of the most dramatic and undesirable consequences of the federal drug program has largely escaped notice.

The current drug strategy has strained the federal courts to the breaking point and may soon disrupt their core functions. This crisis is the result of misdirecting federal money to support

James C. Paine is a U.S. district judge for the Southern District of Florida, based in West Palm Beach. This article is excerpted from a speech he gave to the Federal Bar Association in Miami.

federal rather than state drug prosecutions even when there is no need for the specialized resources of the federal system. The federal courts are becoming unintended victims of the administration's war on drugs.

For 200 years, the core functions of the federal courts have been interpreting federal laws and declaring federal rights. These courts now specialize in complex civil litigation, which often spans state lines. With approximately 600 trial judges nationwide, the federal judicial system performs a function not shared by the much larger state judicial systems.

As the overwhelmed federal courts perform a necessary triage, criminal

cases receive priority. Civil litigants — from corporations to taxpayers to civil rights plaintiffs — often find that the federal courthouse is, as a practical matter, closed.

The criminal caseload has expanded rapidly in the past decade, and available evidence points to the continuation and acceleration of this expansion.

The most significant fact apparent from a review of the data on the federal courts' criminal docket is a meteoric increase in drug cases in the 1980s, a trend that appears likely to accelerate as a result of the Anti-Drug Abuse Act of 1988. Between 1980 and 1991, federal drug cases increased 292 percent. Be-

DRUG CASES IN FEDERAL COURT

Southern District of Florida	1990
1980	567
All U.S. federal courts	1990
1980	12,221

Between 1980 and '88, drug cases increased from 11 percent to 34 percent of federal criminal cases, rising more sharply in 1989.

Please see DRUGS/5E

atically than any other type of use.

In the Southern District of Florida, between 1980 and 1991, drug-related cases filed have increased 107 percent. It is interesting that the Southern District percentage increase during the past decade is lower than that of the nation's. The reason for this is, almost surely, that there was an increase that did not affect other districts until the 1980s.

Even these figures considerably overstate the importance of drug prosecutions, since they tend to consume far more resources than non-drug cases. Drug cases typically involve multiple defendants. Detention hearings and motions to suppress are more common in drug cases. Moreover, while drug cases in 1988 accounted for only 24 percent of the criminal filings, they accounted for 44 percent of the criminal trials and roughly 50 percent of the criminal appeals.

Load of cases a threat

The sheer number of drug prosecutions poses a threat to the federal courts' ability to perform their constitutional role. Given its small size, the federal judiciary is not capable of expanding to accommodate an ever-increasing share of drug prosecutions in the United States.

If the federal courts are to continue to play their vital historical role of interpreting and enforcing federal law, the federal criminal caseload must be limited to cases that require the unique resources of the federal system.

The federal courts are not designed for — nor can they effectively accommodate — every case involving crack cocaine or all of the drug-related cases in which the police make an arrest on every day of each week. Even if additional resources are provided, the sheer numbers of those cases will eventually swamp the system. We already are at the point where the sheer number of those cases is jeopardizing the ability of the federal judicial system to process civil cases.

If Congress is able to provide money for the war against drugs beyond that allocated for the specialized caseload in the federal courts, that money should be used primarily for drug enforcement at the critical state and local levels, not for more federal prosecutions. Experience of the past 20 years leads to the conclusion that the government has lost the war on drugs. I have joined that group of people who believe that the use and sale of controlled substances should be legalized. Borrowing heavily from workings by David T. Igoe of the Cato think tank in Washington, I want to make these



JEFF GREENE/Staff Photo

Judge James C. Paine: 'With decriminalization, I foresee declining drug use and weaker drugs.'

comments: Alcohol didn't cause the high crime rates of the '20s and '30s, Prohibition did. And drugs do not cause today's alarming crime rates, but drug prohibition does.

Prohibition of alcohol by the Volstead Act was supposed to be an economic and moral bonanza. Prisons were to be emptied, taxes cut and social problems eliminated. Productivity was to skyrocket and absenteeisms disappear. But these things did not happen, and they have not happened since the advent of the drug war. Instead, the major beneficiaries have been smugglers and the forces of big government.

The first result of prohibition is crime. This is a very simple matter of economics. Drug laws reduce the number of suppliers and thereby the supply of drugs, driving up their price. The higher price means that users often commit crimes to pay for a habit that would be easily affordable if drugs were legal. Heroin, cocaine and other substances would cost much less if they were legal. At least half of the violent crime in major U.S. cities is committed by users as a result of drug prohibition.

Temptation to officers

The second effect of prohibition is corruption. Prohibition raises prices, which leads to extraordinary profits, which are an irresistible temptation to police officers, customs officers and others. We should be shocked not that some Miami police officers are on the take but that so many are not on the take.

The third result, and one that is often underestimated, is that buyers are brought into contact with criminals. The very illegality of the

drug business attracts people who are already criminals. As conservatives say about guns, if drugs are outlawed, only outlaws will sell drugs. The decent people who would like to sell drugs as they might sell liquor or tobacco are squeezed out of an increasingly violent business.

One of the strongest arguments for legalization is to divorce drug use from involvement in a criminal culture.

The fourth effect is the creation of stronger drugs. If a dealer can smuggle only one suitcase full of drugs into the United States, he gets more dollars for the bulk if he carries more potent drugs. The same thing happened during Prohibition: The production of beer declined, while spirits accounted for a larger part of the total alcohol consumption.

Abuse of civil liberties

The fifth effect of prohibition is abuse of civil liberties. It now appears that the drug authorities can punish American citizens by seizing their cars or boats, not after indictment — much less conviction — but after nothing more than an allegation by a police officer. What has happened to the presumption of innocence?

The sixth result of prohibition is a feeling of futility. The drug war simply isn't working.

A government involved in a war that it isn't winning has two basic choices — escalate or get out — and we have had a lot of escalation in recent years.

The more sensible response, it seems to me, is to decriminalize drugs — to de-escalate the war, to realize that trying to

23 million Americans who are seriously very committed to recreational activities is not to be any more successful Prohibition was.

How exactly would we legalize drugs? Defenders of drug prohibition apparently consider that a devastating question, but it doesn't strike me as particularly difficult. Our society has had of experience with legal dangerous drugs, particularly alcohol and tobacco, and we can draw on experience when we legalize marijuana, cocaine and heroin.

Legal drugs weaker

In the long run, with decriminalization, I foresee declining use and weaker drugs. Consider divergent trends in legal and illegal drugs today. Illegal drugs keep getting stronger — crack, for example — as a result of the iron rule of prohibition. But legal drug getting weaker — low-tar cigarettes, non-alcoholic beer (which contains less than 0.5 percent alcohol) and wine coolers.

As Americans become health-conscious, they are turning away from drugs. Drug education could do more to encourage this trend if it were separated from enforcement. And, of course, reduction of the enforcement budget would free money for education.

Legalization would not solve all of America's drug problems, but it would make our cities safer, drug use healthier, eliminate a major source of revenue for organized crime, reduce corruption here and abroad, and make honest living more attractive to inner-city residents — pretty good results for an

Breaking the law in its name

THE SHERIFF of Broward County manufactures crack cocaine and takes it to sites close to a school to sell to addicts. The technique permits deputies to round up buyers while enhancing their penalty to a mandatory term of three years because of the location.

So troubled by this scenario was a three-judge panel of the Fourth District Court of Appeal that it weighed the issue twice. The judges voted 2-1 in June to uphold a conviction, and then voted 2-1 last week to throw it out after the full court tied 6-6.

The sheriff's department lab made crack to ensure a steady supply of a known quality for drug stings. Although the department argued that it was merely converting seized cocaine into crack, the appellate panel said that the manufacture was illegal. Further, said the majority opinion, the department could not keep track of these drugs. Judge George H. Williams, who dissented in the earlier ruling, noted that the tempting of drug buyers into the vicinity of a school hurts children, parents, and taxpayers.

For the court system, the appellate decision could mean the review of more than 200 cases. For the department, the ruling is a loss in the sheriff's incessant testing of the

NO EXCUSE, SHERIFF NAVARRO

envelope of the Bill of Rights.

The sheriff indeed has won some, including a recent U.S. Supreme Court decision that said that the department's searching of passengers on buses was not unconstitutional on its face. That case is not over; the trial court now must decide whether the passenger was intimidated into permitting the search of his bag.

Previously, state courts held that the department's practice of body searches that include patting down a suspect's crotch went beyond a "consensual" search. The courts also have taken a dim view of confiscation of property on small technical offenses in the absence of wrongdoing.

Sheriff Nick Navarro has defended himself as simply enforcing the law even though his unusual methods are not replicated by other law enforcement agencies. Those who support most of his tactics, the use of a police chemist to cook crack cocaine in a public laboratory — worse, cocaine that the department could not fully account for — went beyond the pale. To break the law in the name of law enforcement is inexcusable.

To The Editor:
Re National Council on Insurance (NCCO) Vice President R. Nau's Dec. 29 response to your Dec. 29 response: *Up, up, up* state-controlled bureau for



Franklin Delano

Fairness on farm workers

overnight guest has a legitimate privacy interest in his host's home. The California court, making its own generalizations about the social custom of babysitting, said that regardless of the particular arrangements in any one case, a baby sitter's obligation to protect a child entitles a baby sitter to exclude others from the home. Thus, a baby sitter's control over the premises, like that of an overnight guest, provides the baby sitter with an expectation of privacy that society recognizes as reasonable, the court held. In this case, the defendant was to be in the house only briefly to watch his brother's son while the brother went to a store. However, the "short-term" nature of the defendant's "nexus" with the house did not, by itself, undermine his otherwise legitimate expectation of privacy arising out of his presence at the time of the search, the court said.

Digest of Opinion: Lorenzo Moreno was babysitting for his young nephew while the child's father, Moreno's brother, went to the store. Moreno intended to go home to sleep in his own house when his brother returned. The boy was asleep in the living room, and Moreno was sitting on the living room sofa when police officers entered and searched the house without a warrant.

Moreno moved to suppress large quantities of cocaine and paraphernalia found in the house. The trial judge denied the motion finding: "[Moreno] was apparently visiting for a brief period to babysit for his brother's child. There's no standing."

[Text] "[C]apacity to claim the protection of the Fourth Amendment depends not upon a property right in the invaded place but upon whether the person who claims the protection of the Amendment has a legitimate expectation of privacy in the invaded place. [Citations.] (*Rakas v. Illinois*, *supra*, 439 U.S. [128] at p. 143 [1978].) What the moving party must show is "an actual (subjective) expectation of privacy," ... [and] the subjective expectation of privacy is "one that society is prepared to recognize as "reasonable,"" (*Smith v. Maryland* (1979) 442 U.S. 735, quoting *Katz v. U.S.* (1967) 389 U.S. 347, 361.) "Legitimation of expectations of privacy by law must have a source outside of the Fourth Amendment, either by reference to concepts of real or personal property law or to understandings that are recognized and permitted by society. One of the main rights attaching to property is the right to exclude others, ... and one who owns or lawfully possesses or controls property will in all likelihood have a legitimate expectation of privacy by virtue of this right to exclude." *Rakas v. Illinois*, *supra*, 439 U.S. at 144, fn. 12, emphasis added).

In *Minnesota v. Olson*, (1990) 495 U.S. 91 [110 S.Ct. 1684], the Supreme Court held that "Olson's status as an overnight guest is alone enough to show that he had an expectation of privacy in the home that society is prepared to recognize as reasonable." (110 S.Ct. at p. 1688.) "To hold that an overnight guest has a legitimate expectation of privacy in his host's home merely recognizes the everyday expectations of privacy that we all share. Staying overnight in another's home is a longstanding social custom that serves functions recognized as valuable by our society." (110 S.Ct. at p. 1689.)

Like staying overnight as a guest, babysitting is a sufficiently common phenomenon to permit basic generalizations. ... Babysitting has numerous aspects—the consideration for the sitter's services, if any, the place where the services are provided, and the duration of the engagement are but a few. Whatever the arrangements of a particular instance, however, as a general rule, the baby sitter is in exclusive charge of the child and the premises.

This exclusive control distinguishes the baby sitter from the overnight guest. By definition the baby sitter and the parent or guardian will not be present in the same house at the same time, other than at the time of the "changing of the guard." (While in some instances a parent may employ a baby sitter to be in the home at the same time as a parent or other adult simply to relieve the parent or other adult from child care responsibilities for a time, this is not such a case.) The normal

purpose of babysitting is to free the parent from the child and the house. Thus, the baby sitter who comes to the child's home will likely have, unlike the overnight guest, the exclusive right "to determine who may or may not enter the household." (*Minnesota v. Olson*, *supra*, 110 S.Ct. at p. 1689.)

Control alone brings the baby sitter within the *Rakas* principle that "[o]ne of the main rights attaching to property is the right to exclude others, ... and one who owns or lawfully possesses or controls property will in all likelihood have a legitimate expectation of privacy by virtue of this right to exclude." *Rakas v. Illinois*, *supra*, 439 U.S. at p. 144, fn. 12) (The "right to exclude" is one of the factors considered in federal and California cases looking to the "totality of circumstances" to determine whether a defendant has a legitimate expectation of privacy in the premises of another. ...)

In addition, a baby sitter is responsible for addressing the child's needs in their infinite variety, from mundane matters to emergencies. As circumstances warrant, the baby sitter normally has flexibility to go to any and all parts of the residence in order to discharge his or her duties. Like "[s]taying overnight in another's home," babysitting is a longstanding social custom that serves functions recognized as valuable by society." *Minnesota v. Olson*, *supra*, 11 S.Ct. at p. 1689.) Indeed, the baby sitter has responsibilities the overnight guest never encounters. [End Text]

In *State v. Anonymous* (1984-1), 480 A2d 600 (Conn Sup Ct 1984), a baby sitter had spent the night and was dressing her charge the next morning while the parents were asleep in an upstairs bedroom. The court held that the baby sitter had standing to challenge an entry and search of the house. It reasoned "[a] baby sitter has an obligation to protect her charge. Of necessity this obligation entitled her to authority to exclude others from the premises. *Rakas v. Illinois*, *supra* 143-44, n. 12" Id. at 609. Again citing *Rakas*, the court anticipated the 1990 holding in *Minnesota v. Olson* and held an overnight guest (a cousin of one of the occupants) also has a reasonable expectation of privacy in the residence. The government argues that the baby sitter, thus had standing separate from her status as a baby sitter, but the Connecticut court drew no such distinction.

The state notes that Moreno "denied any property interest in his brother's apartment, except so far as his alleged baby-sitter status imparted a temporary and very short term possessory interest. He did not show unencumbered access to the premises."

Concerning the right to exclude, this court can draw on common knowledge and experience about the essential features of the baby sitter role, just as the Connecticut Superior Court did in *State v. Anonymous* (1984-1) and as the U.S. Supreme Court did with the house guest role in *Olson*. In any event, *Olson* specifically holds standing does not depend on the right to exclude. 110 S.Ct. at 1689-90. Both *Rakas* and *Olson* make clear a property or possessory interest is not essential to establish a legitimate expectation of privacy. Similarly, the short-term nexus between Moreno and the apartment did not, by itself, undermine his otherwise legitimate expectation of privacy since he was present when the intrusion occurred.

The state offers no persuasive reason why Moreno did not have a legitimate expectation of privacy in his brother's apartment, such that he has standing to complain about a warrantless entry which occurred while he was present on the premises in a babysitting capacity. The trial court erred in denying the motion to suppress for lack of standing. The matter is remanded for a determination of the merits of the defendant's motion. — Stone, Acting P.J.

SHERIFF'S MANUFACTURE OF 'CRACK' FOR STING SPOILS CONVICTION OF BUYER

Such manufacture comes within prohibition of statute, amounts to due process violation.

Florida law enforcement officers' manufacture of "crack" from ordinary cocaine violates state law and offends principles of due process, a majority of the Florida Court of Appeal, Fourth District, declared Janu-

ary 3. Accordingly, the majority ordered dismissal of charges against a defendant who bought the product of such manufacture in a reverse sting operation conducted near a school. (*Kelly v. State* (Florida), Fla CtApp, 4thDist, No. 90-0465, 1/3/92)

In a previous opinion the court called the practice "dubious" but, over a dissent, held it did not violate the defendant's constitutional rights, 16 Florida Law Weekly D945 (1990). After rehearing, however, a member of the original majority went over to the other side. By the express terms of the state's controlled substances statute, "conversion" of cocaine into crack constitutes illegal "manufacture," the new majority said, and "police agencies cannot themselves do an illegal act, albeit their intended goal may be legal and desirable." If the legislature had wished to exempt law enforcement agencies from the statute's coverage, it would have said so, the majority reasoned. The majority also expressed particular alarm about the fact that some of the crack apparently disappeared into the community.

Judge Hersey, dissenting, stressed that what the officers did merely changed the form of the drug. The statutory violation was merely "technical" and should not immunize the buyer from prosecution, he contended.

Judge Letts, responding to the dissent in a concurring opinion, argued that cocaine and crack are "worlds apart."

Digest of Opinion: Defendant Kevin Kelly Jr. was charged with purchasing cocaine within 1000 feet of a school. We affirmed his conviction in a previous opinion, but on rehearing we reverse.

We first point out that the use of reverse sting operations does not, in and of itself, violate a defendant's constitutional rights, even if the operation is specifically set up within 1000 feet of a school.

[Text] We have reconsidered the issue of the police manufacture or reconstitution of powdered cocaine into "crack" rocks, and we find that the practice is illegal. We hold that the use by the police of such reconstituted "crack" infringed on the appellant's right to due process of law. In other words, the police agencies cannot themselves do an illegal act, albeit their intended goal may be legal and desirable.

Manufacture is defined in section 893.02(12)(a), Florida Statutes (1989), as: [""]The production, preparation, propagation, compounding, cultivating, growing, *conversion*, or processing of a controlled substance either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container. . . .[""] (Emphasis supplied.)

Thus, it seems that the statute is sufficiently broad as to encompass the reconstitution of regular cocaine into "crack," or rock cocaine. Depositions of the police chemist supplied with the record in the instant case support our decision that the process of reconstitution constitutes manufacture under chapter 893, Florida Statutes (1989). Certainly, as Judge Letts wrote in dissent from our original opinion, there is more to this reconstitution process than "simply adding hot water to instant coffee grounds."

Section 893.13 provides several exclusions from its application for police officers acting in the course of their duties, but these exclusions apply only and specifically to the possession and delivery of controlled substances. See §893.13(5), Fla. Stat. (1989). If the legislature intended that police officers be permitted to manufacture "crack", or any controlled substance, before its possession or delivery, then such permission would presumably appear on the face of the statute. The legislature, if it intends to allow such practices, must expressly indicate their intent so that the courts can apply the law accordingly. At this time, however, there is no authority for the

police to manufacture controlled substances by reconstitution or otherwise.

We find that the Sheriff of Broward County acted illegally in manufacturing "crack" for use in the reverse sting operation which led to the arrest of the appellant. Even more disturbing is the fact that some of the "crack," which is made in batches of 1200 or more rocks, escapes into the community where the reverse sting operations are conducted. The police simply cannot account for all the rocks which are made for the purpose of the reverse stings.

Such police conduct cannot be condoned and rises to the level of a violation of the constitutional principles of due process of law. *State v. Glosson*, 462 So.2d 1082 (Fla. 1985). Accordingly, we reverse the appellant's conviction and we instruct the trial court, on remand, to enter an order of discharge. [End Text] — Polen, J.

Dissent: [Text] It is one thing to express righteous indignation over the fact that police illegally "manufacture" drugs in the first instance and then, in the second instance, allow some of those drugs to escape into the community. It is quite another thing, however, to suggest that one who buys such drugs acquires immunity from prosecution because his constitutional right to due process has been violated by that activity. [End Text]

The real tragedy is not that the police "manufacture" drugs but that they conduct stings and reverse stings near schools. If this violates anyone's due process rights, it is those of the students and their parents.

The police's conversion of cocaine powder to cocaine rocks does not increase the total quantity of drugs in the marketplace; it merely changes the form of a portion of the available supply. The conversion process that was employed here is one which any reasonably intelligent eighth-grader, after reading the chemist's testimony in this case, could readily replicate. Is the police action, while technically a violation, really sufficiently egregious to merit the condemnation which we heap upon it? Does it shock the conscience of the court? I suggest that it ought not.

Furthermore, there could be adverse implications if we must explore the source of the contraband. Suppose the cocaine rock produced by the police is in some way distinctive. Suppose further that the police sell several rocks in this reverse sting operation. One buyer goes across town, resells a rock to an undercover agent conducting a sting operation, and is immediately arrested. Given the source of the cocaine rock, have the seller's due process or other constitutional rights been violated? I strongly suggest no. I would not relish the task of drawing an esoteric line between the "new" product and the "second hand" product in future cases. — Hersey, J.

Special concurrence: It is a denial of due process to allow the police to manufacture this deadly form of drug and then distribute it. To suggest that cocaine rocks are simply another converted form of cocaine, and no more, may be technically correct, but in practice, the two forms are worlds apart. — Letts, J.

INFORMING SUSPECT OF EVIDENCE AGAINST HIM IS NOT INTERROGATION PER SE

Not all such statements are reasonably likely to elicit inculpatory response, CA 4 says.

A comment by a law enforcement officer to a suspect in custody regarding the incriminating evidence police have gathered is not the functional equivalent of interrogation as a matter of law, the U.S. Court of Appeals for the Fourth Circuit declared January 13. The court then held that a suspect being transported by FBI agents after requesting a lawyer was not subjected to interrogation when an agent apprised him that a search of his home had turned up a pistol. Therefore, his incriminating response indicating his awareness of the gun's presence was not subject to suppression. (*U.S. v. Payne*, CA 4, No. 91-5753, 1/13/92)

5703 FM 2004
Hitchcock, Texas
February 28, 1992

Committee:

It is my opinion, as well as many others, that you are being too harsh and rigid with your Federal guidelines of a mandatory five year sentence without parole for a first time drug dealer conviction. This leaves the presiding judge with no room for consideration of the person being convicted. Should a first time convicted drug dealer be given a mandatory five year sentence with no parole when a convicted drunk driver on his first offense, kills someone and receives probation because he is able to hire an expensive lawyer? The list could go on and on with the unjust comparisons, but the point I would like to make is that each person convicted should be treated individually and instead of warehousing thousands of first time offenders, put them into community services reduce the severe prison sentences where it is more in line with other crime.

Do you think this is solving the drug problem? It isn't, the real problem is economics that we all learned in high school. Why punish the poor anymore, or is it too easy to point the finger at them, lock them up and throw away the key. We are still blaming the welfare Mom for all the ills of society and now we have added the drug dealers to the witch hunt.

I watched with nausea a program on television about the DEA gleefully waiting to sting a drug dealer and confiscate all his possessions. Can you imagine any other person committing a first offense crime being stripped of everything they owned including personal mementos that have value only to them? The person is then reduced to a court appointed lawyer who says to plead guilty and be thankful you are only facing a mandatory five year prison sentence without parole. This is not justice, it is political panic time and it certainly is not equal protection under the law

Sincerely yours,

L. W. J. Richardson

The Age of Goats
 3.0
 3.0



**Question & Answer
Productions**

2/17/92 Monday

United States Sentencing Commission
1331 Pennsylvania Ave NW, Suite 1400
Washington , D.C. 20004

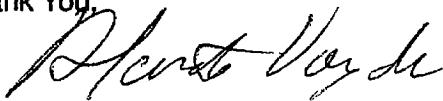
Dear Sir / Madam,

We are responding to your request through the Federal REGISTER for Public Comment. Enclosed you will find a well written document that outlines the real problems of the federal inmate population and realistic SOLUTIONS. Why? It is written by a women who was put in prison as a result of PER-JURY committed aganist her. Her name is Mildred Miller. She came from a upper middle class background with an excellent education. She is not a drug dealer or user. She is a problem solving business women.

If you really wish to change the problems with unfair sentencing and unequal treatment under the present law then I suggest you read this report. Next set up a means and way to talk to inmates within the federal system who are labeled as so called jail house lawyers. You will have to go to them as I don't think they will be able to attend your meeting at the Ceremonial Courtroom.

Lastly, I have been working with federal inmates for 4 years. I have become familiar with four prsions in this country, Camp Parks, Camp Phoenix, FCI Lexington and Camp Alderson. I have visited and spoken with women inmates. I have yet to see a program to end the cycle of people going to crime which is usualy for reasons of drug addiction or economic poverty. Gentlemen you must deal with the issues of why people go to crime or return after finally being released. The concept of long sentencing, to punsih as much as possible is not the solution. The present system is not working clearly except to wearhouse people.

Thank You,



Alcinda Vaiyda

Mailing Address • Box 30001 • North Las Vegas • NV 89030 • (702) 399 - 6896

**Question & Answer
Productions**

2/17/92 Monday

General Accounting Office
441 G Street NW,
Washington, D.C. 20405

Subject: Public Comment on United States Sentencing Commission Request From Federal Register

Dear Sir / Madam,

Enclosed you will find a copy of a letter to the Sentencing Commission. Also enclosed you will find a report prepared to the GAO back in 1991 by an inmate to help solve the federal sentencing problems. It was requested by the author that a second copy be sent to you.

Thank You



Alcinda Vaiyda

Mailing Address • Box 30001 • North Las Vegas • NV 89030 • (702) 399 - 6896

June 5, 1991

General Accounting Office
Washington, D.C.

Re: PROPOSED CHANGES IN SENTENCING GUIDELINES

Gentlemen:

You begin an evaluation of the New Sentencing Guidelines as of November 1, 1991.

Already, the information is being compiled as to the disadvantages by Federal Judges, Appellate Court Justices, Legislators and the many families of inmates who are presently serving these elongated sentences.

A recent nationwide discussion of the State prison in New York wherein some 53 inmates held hostage three guards until press coverage was arranged indicates what is ahead. These inmates wanted their grievances addressed. As the overcrowding escalates, these grievances will also.

It is not there are alternatives available. There are. Many studies have been printed for the past 10 to 15 years by sociologists, criminologists as well as the American Bar Association.

There are almost ONE MILLION PEOPLE in prison in America! The cost to the taxpayer is staggering - prison cost, people cost, family cost.

I have filed in the San Francisco District Court a lawsuit exposing the verified kickbacks in telephone services, in commissary overcharges, in vending machine kickbacks which, brought to trial, will explode. Not only is there a violation of the Public Contract Law, but you, as The General Accounting Office, have been and are presently receiving checks which are nothing more than kickbacks. You authorized those contracts. You are receiving the checks. It may be the only solution is to have a Congressional Hearing - with the glare of media.

Enormous discretion is left to the Correctional Administrators, at every level. They establish THEIR OWN objectives for correction without an oversight committee, without any accountability to either the prisoners or the public. The majority of correctional agencies are now exempt from the normal controls placed upon every other administrative agency. There are no public hearings, as with other agencies, where proposed rules are discussed.

Thus, officials determine the way in which an offender will live for

the term of imprisonment; how he or she is clothed and fed; whether he or she sleeps in a cell or in a dormitory; whether he or she spends his or her days locked up or in relative freedom; what opportunity there is for work, education or recreation. They regulate his or her access to the outer work, by defining mailing and visiting privileges. They define the rules of conduct and the penalties for those violations of such rules. Increasingly, they make classification decisions - assigning different prisoners to different kinds of correctional programs. Present legislation may set certain limits, but does not generally provide guidelines for the exercise of the vast discretion which remains, or indicates the procedures by which important decisions should be made.

The report above was made 24 years ago by the President's Crime Commission Task Force. What has happened since then? Nothing - not one single change.

We are not hostile, or angry in sending you this research which has been compiled by many women at FCI Pleasanton. We are sending this report to our network of friends, relatives and agencies who have and are supporting change in the System.

We invite your comments.

Yours truly,

Mildred Miller

cc: Sentencing Commission
Begins their Review December 1, 1991
Bureau of Prisons
Begins their Review December 1, 1991
Members of Congress

Mildred Miller
#23136-048
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Box A

Alderson, W. Va 24910

SUGGESTED SOLUTIONS

Change is inevitable. The only decision to be made here is when.

There simply is no way in which the "System" can continue to support the quantity of inmates in the prisons presently available.

What to do?

There are two procedures, long analyzed, long published by the Bureau of Prison that can be used to alleviate the problem of overcrowding which is the initial problem.

Bureau of Prison Policy 5050.41 dated October 5, 1983 is headed PROCEDURES FOR THE IMPLEMENTATION OF 18 USC 4205 (g). That means there is a basic law which provides the fundamental concept for change.

This Program Statement states that the Bureau of Prisons may make a motion, to the sentencing Court which makes an inmate immediately eligible for parole by reducing the minimum term of the sentence to time served.

This has heretofore been used when there is an extraordinary change in an inmate's personal or family situation or if an inmate becomes severely ill.

BUT - The Bureau of Prison may also use this 18 USC 4205 (g) to relieve prison overcrowding, PROVIDED THE BUREAU HAS RECEIVED A WRITTEN STATEMENT FROM THE U.S. PAROLE COMMISSION THAT THE INMATE COULD BE SAFELY RELEASED FROM PRISON UNDER CURRENT PAROLE COMMISSION STANDARDS.

The procedure begins with a written request to the Warden.

Many women could apply and be released under this provision.

The next solution is one dated January 2, 1990 and coming from the U.S. Parole Commission Chairman, Benjamin F. Baer. Here we have the direct result of the Parole Commission stating that there is a problem of overcrowding and making some suggestions.

Those suggestions begin with expanding Curfew Parole, Advancing presumptive parole dates, extending superior program achievement, refusing to accept parole violators (using community resources instead) releasing the ill and the elderly.

It is evident the method and procedure is available.

All that is required is for the Bureau of Prison to implement the already approved, already provided for law.

December 21, 1988 a report was issued by the American Bar Association Criminal Justice Section regarding the main problem of the criminal justice system.

That report said the System is unable to control the nation's drug problem.

The report was based on hearings wherein police officers, prosecutors, defense attorneys and judges as well as other criminal justice studies plus a telephone survey of some 800 professionals in the field was conducted.

The ABA Committee acknowledged the fact that the public and most legislators believe the Miranda and Fourth Amendment exclusionary rule are major impediments to effective crime control.

Their solution is to increase funding for police, prosecution, criminal defense, courts and corrections. For without funding, they believe, the result is an increased pressure to negotiate pleas, inferior defense services as a result of overworked and low paid attorneys, plus prison crowding. Increased funding to all portions of the System was suggested. It was also advised that legislatures must fund all components of the criminal justice system adequately.

The Criminal Justice Committee however, believes there is an "immediate need to rethink our strategies for dealing with drugs" and warned that "the answers will not be so simple as merely making more arrests and imposing longer prison sentences." The massive numbers of arrests in drug cases distort the system, the committee said, while having little effect on drug use.

In this report, it is obvious that socialologists, psychiatrists, and even inmates (those whose lives and whose family's lives have been drastically affected) were not consulted. Instead, the theory is to throw more money at a problem.

This was tried with cancer, when President Nixon authorized billions of dollars to solve the problem of cancer. Instead of reading the already existing research, including theories that did not fit the norm and effecting a "think factory" wherein minds could brainstorm, what resulted was a vast drain of financial resources into colleges, universities and the like who suddenly realized they could resurrect old research and get paid - again - for it. We did not solve the problem of cancer. Instead, now - some 15 years later, we are learning that diet might have some effect - it was poohpoohed way back then.

A balance is needed. In order to achieve that balance, we need to review some of the outstanding criminologist's thinking on crime. We need to understand what crime is, why prisons, what is happening today and whether there are studies that suggest alternatives.

To sell a new concept to the public, one must have facts. This report to you is going to supply those facts.

"Adult corrections have long been and continue to be a scandalous aspect of America's criminal justice system. The correctional system is scandalous, first of all, because most of its facilities are barbaric and badly overwhelmed. Most correctional officials agree that a high percentage of prisoners and detainees who are currently incarcerated need not be. Finally, the correctional system is scandalous because, with few exceptions, judges and correctional personnel have historically had almost no guidance in or accountability for making critical

decisions on such matters as sentencing, classifications, discipline and parole.

The public knows and cares little about corrections.

According to the Bureau of Justice Statistics Bulletin, prisoners have increased 66 percent since 1980. And prior to that, the prison population nearly doubled between the early 1970's and 1980.

Lack of concern by the legal profession is another reason why corrections are a national disgrace. Increased attention on the substantive and procedural rights of convicted offenders and pretrial detainees is a crucial element in the very necessary reform. Many of the other fundamental improvements that are needed, such as expanded resources, closing of archaic institutions, reduction of prison populations, setting of new objectives for corrections and the changing of public attitudes about offenders and the correctional process - are mostly beyond the scope of litigation. Lawyers in their roles as negotiators, policymakers, legislators and informed citizens can stimulate the essential changes that could be accomplished without court action.

That information came from Professors of Law from UCLA, Colombia University, Emory, Chicago, UC Berkeley, Illinois College of Law, Harvard, University of Michigan and the University of Texas Law School. Obviously, the teachers of law are and have given considerable thought to what is happening and why. They are the educators. We are the ones who need to be educated.

What is criminology? According to Academic American Encyclopedia, it is the scientific study of crime and criminal behavior. The various schools that teach criminology are looking for causes of criminal behavior in the hope that this information can help make policies that will be effective in handling or even eliminating crime.

The study of criminology began way back in the 18th century. Today's criminologists are influenced by the sociologist Durkheim, by the psychological theories of Freud and by the case-study approach inspired by Freud and used where environmental and genetic causes of criminal behavior were examined.

At present, the emphasis in criminological studies is moving away from the investigations of individual motivation, and paying more attention to the ways in which criminal law is made and enforced, the probable effects of present-day criminal-justice practices, and the potential consequences of changes in criminal-law enforcement.

So what is crime? In the broadest legal sense, a crime, in most countries, is an act committed in violation of a law forbidding it and for which a court may impose a variety of punishments, including imprisonment, death, fine or removal from office.

Ideally, the punishment for crimes should be scaled according to the severity of the offense.

The French sociologist Durkheim considered crime to be an integral aspect of society and a "normal" social phenomenon in the sense that it has existed in all societies throughout history.

To digress a moment, the writer would like to simplify the aspect of crime. If a law is made and the violation of same is considered a crime, then is it possible the law is a matter of society and perhaps, not of morality. To be specific,

Wade vs, Roe allowed a woman to control her body in the matter of bearing children. Was that a political decision by the Supreme Court, or was it a constitutional decision? For now we have a recent statement that federal funding may not be given to any agency that is promoting/promulgating information on how to control one's body regarding children. Is this the same Constitution? Or is it a change in the morality of a group of people who, bowing to political pressure, reinterpret the constitution?

Following that example, is it not possible for you, the reader to change your concept of what is crime, what is a prison and what are laws? It is not a matter of whether the Sentencing Guidelines are legal, as stated in the case of *Mistretta v. U.S.*, 57 L.W. 4402 (1989) in which the opinion was limited to the finding that Congress neither delegated excessive power to the Sentencing Commission nor violated the separation of powers principle by placing the Commission in the judicial branch. Attacks are now being made on the Sentencing Commission in the matter of *U.S. v. Roberts*, 726 F. Supp. 1359 (1989), wherein the whole bloody mess of what actually happens in the use of the Sentencing Guidelines is spelled out, in detail. It is not a pretty picture, for it tells it just like it is, as many inmates can relate to - what started out to remove the disparity of sentences, has now become a tool of a prosecutor, who may be young, inexperienced, and subject to public pressure and who has learned how to manipulate the System, while the Judge sits helplessly, so he thinks, by and simply ratifies the decision made in the backroom of the U.S. Attorney's office as to how to "ice" the victim.

Durkheim, the sociologist, felt that crimes function in society as a means of defining the limits of acceptable behavior, serving as a vehicle for social change by extending and testing those boundaries. Western society's present liberal attitudes towards sexual behavior, for example, have emerged out of an era when certain sexual acts were classified as criminal.

Surveys of the United States' public opinion reveal that the majority of people feel that crime is increasing: they feel more and more uneasy on the streets and have taken measure to protect their homes against crime. In addition, "law and order" has become a potent theme in political campaigns and candidates who embrace it are more likely to be accepted by the voters.

But is there a reason to fear crime? Do we have statistics? Sure do - but are they reliable? Having been in the Market Research field for over ten years and having seen how surveys are manipulated both by the kind of question asked, the method of being asked and then the changing of the raw survey material, the writer is not very sure that the statistics engendered by various agencies are true.

We find that while the oldest U.S. statistical analysis of certain types of crime is the Uniform Crime Report which is issued annually since 1930 by the Federal Bureau of Investigation, that report reflects individual law-enforcement agencies who are responsible for the collection of crime data assembled and known to the police. The crime had to have been reported to the police and the police had to have classified the crime and then reported it to the FBI - leaving wide areas for errors.

The most well-know portion of the UCR is the Crime Index in which eight major crime categories are listed: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. Data is also included on the age, sex, and race of persons arrested, the percentages of crimes that are "cleared by arrest" and the rate of crime per 100,000 U.S. inhabitants.

The criticism of the statistics of the UCR is heavy. The data, it is charged, is open to manipulation by law enforcement agencies that have a vested interest in demonstrating reduced crime rates or in obtaining more funds should crime rates be shown to have risen. (SHALL WE REFER BACK TO THE OPENING PAGE WHEREIN THE AMERICAN BAR ASSOCIATION CONCLUDED IT WOULD TAKE MORE FUNDS TO SOLVE THE PROBLEM OF CRIME? IS THERE A VESTED INTEREST THERE?) Perhaps, the most common complaint is that the figures change with the changing police practices.

The U.S. Bureau of Justice Statistics issues the National Crime Survey, which is an annual report on household crime victimization based on census surveys rather than on individuals' complaints to law enforcement officials. That survey for 1983 revealed that only 45 percent of personal crimes and 48 percent of property or household crime had been reported to the police that year.

The National Crime Survey found that crimes against individuals and households had decreased 1.9 percent during 1985, reaching a 13 year low of about 25% of national households.

How do we compare with other countries? We have the highest rate per 100,000 population for reported murders, rapes and robberies. However, we are being influenced by industrialization, urbanization, drug and alcohol abuse, unemployment and the availability of firearms. We have an extremely high rate of alcohol and drug abuse and firearms. High unemployment during the late 1970's and early 1980's and the influence of television and movie representations of violence also need to be studied as to whether they are not also contributing factors.

CRIME

INCIDENCE OF THREE MAJOR CRIMES IN SELECTED COUNTRIES, 1984 (rates per 100,000)

Country	Murder	Rape	Robbery
Australia	3.42	13.79	83.58
England and Wales	1.37	2.69	44.59
Germany, West	4.51	9.73	45.79
Israel	1.83	5.45	34.95
Japan	1.47	1.60	1.82
Spain	2.16	3.56	147.33
Sweden	5.74	11.93	44.12
United States	7.90	35.70	205.40

SOURCE: Interpol, International Crime Statistics, 1983-84.

Can crime be controlled? Strategies for crime control and crime prevention have shifted over the years. Rehabilitation of the prisoner began in the mid-19th century. In 1972, the Supreme Court decided laws that carefully defined what crimes merited capital punishment along with standardized judicial proceedings were necessary. This is the actual beginning of the NEW SENTENCING GUIDELINES. The theoretical justification for the changes eliminating parole, probation, rehabilitation, determinate sentencing is based on the theory of retribution. Retributionists assert that punishment functions as an expression of

the desire of citizens to maintain social order and as a demonstration of social disapproval of criminal acts. They believe swift and certain punishment prevents criminal behavior by warning potential offenders of the likely consequences of crime and by persuading the punished criminal not to repeat the crime.

Being a Mother of three adult children, I can vouch that whipping, spanking and putting children in the corner is not a deterrent. Fear does not accomplish much that is productive. The puritanical approach of AN EYE FOR AN EYE AND A TOOTH FOR A TOOTH supposedly was removed somewhere about 2,000 years ago when a man called Jesus aided and abetted by a bunch of tag-along fishermen decided that love was the factor for change. Applying that to raising a child, one sees a child grow and mature. There have been many scientific studies wherein plants or flowers, when talked to with words of encouragement, flourish. Smiles accomplish much - frowns do not.

The doctrine of incapacitation holds that it is not possible to rehabilitate criminals and therefore, they should be incarcerated as long as possible. Also, since the greatest amount of serious crime is committed by repeat offenders (called recidivists) then long imprisonment will reduce the crime rate. The theory assumes there is a fixed supply of criminals. Criminologists disagree, pointing to the increasing numbers of young people arrested (young blacks, for instance) who will soon replace the incarcerated recidivists on the streets.

It is obvious there are no easy solutions to the problem of crime. Hard-line policies, such as determinate sentencing, cannot be accomplished at small cost. They have aggravated overcrowded prisons and have increased the already heavy costs of incarceration. In California, we have already seen the answer of the people who are simply voting "no" to more taxes to pay for prisons. Listening the nationwide talk shows, one readily perceives there is a strong trend toward reducing taxes, throwing the present legislators out at the next election and stopping the flow of money towards prisons which is draining money from education.

Before we get to some ideas for solution, let us examine what the prison system is today. This information is repeated daily in the newspapers and on the radio and television. Slowly, it is sinking into the general population's mind that prisons cost money. And they do not want to pay that money. Now is a most propitious time to propose new ideas (or rather ideas based on solid fact) and to propose solutions to the overcrowding in prisons as well as stopping the stuffing in by the courts, who are totally unaware of the conditions of prisons, of "criminals".

By the end of 1988, convicted criminals in federal and state prisons reached 628,000. Today, we are over 775,000 approaching a million. This is an increase over 90 percent in eight years. Another 150,000 are awaiting trial in various local prisons. That would require an increase of 800 beds per week, if the sentencing kept pace with the convictions. To a large degree, the drug problem contributed to this growth. Overcrowding is now prevalent everywhere. Double bunking has been in existence for several years, despite the surprise of Senator Nunn who is now suggesting double bunking. Obviously, there is no communication between the Congress and the Bureau of Prisons, or he would have known that and the Bureau would have so advised him. But this is typical - total, and I do mean, total lack of communication among the various departments, among the decision-making individuals in Washington, D.C. to those who are delegated to

control the various prisons is so evident. There is little doubt that conditions in most prisons are a threat to the safety of the inmates and prison staffs alike.

For instance, last week was Pre-release day. Various people came in from outside to speak on what to expect to some 50 or more women. The last day, the speaker asked the women what they thought. The women told them. The statements so shocked the staff listening that they actually were concerned there might be a riot. Can you believe that? Women riot? When has that happened? Over what? All they said was, "You kon't know the answers and you don't try to get the answers." You deliberately evade solving our problems, you also deny us rights such as furloughs, half-way houses, house arrest because you don't want to do the paperwork. Why? And this is the cause of the fear of a riot? Who told the Staff that a prison where it originally was to house 420 and has over 800 was a threat? What caused that fear? Has there been any evidence of a riot, or even a desire to riot - in any women's federal prison? There was an attempt to change some rules at FCI Lexington when the men were there who asked the women to sit down with them in protest. Men riot - women do not. Women compete against other women for men - they haven't learned yet to cooperate. When they do, the System will change, for women constitute 53.1% of the population. They will learn, eventually that they control the world. Until that day, women will remain victims and not take the responsibility they should be taking.

The cost of maintaining prisons is staggering; depending on the type of prison and the state where it is located, an annual cost runs from \$14,000 to \$30,000 per prisoner. The cost of new construction runs almost \$54,000 a bed, although where there is a maximum security prison to be built, it can reach \$140,000 per bed. That is more than it costs to build a hospital or a school or a church. In 1989, 43 states were under court order to correct overcrowding in their prisons. Federal prisons have not yet been subjected to court orders, but there are lawsuits in the courts to do just that and it will not be long before some Federal Judge decides that federal prisons are too overcrowded and need to be reduced in population.

Prison work programs have existed since colonial times. Recent attempts to bring outside work into the prison have demonstrated the productive potential of prison labor. California recently passed a law allowing industry to come on to prison land, build factories and employ the prison population. This has proved successful in some states. Inmates are paid the market wage for their labor. Deductions are made for food and room, family support, union dues, taxes, restitution and savings. However, in 1988, only 50,000 inmates are assigned to prison industry programs. Why?

With the growing AIDS problem, and in prison, plus the poor medical history of prisoners, the medical care is urgent. Many are recovering alcoholic and drug addicts and require special care. The population of medically-vulnerable elderly prisoners will increase as longer sentences are imposed.

Despite all the theory of rehabilitation, prisons are not schools, they are not factories, hospitals or psychiatric centers. First and foremost, they are places of confinement. They are warehouses, or holding facilities.

Let us now look at the vastness of this criminal justice system. And in looking at the size, remember that communication does not among these people. This gives rise to many interpretations, gossips, decisions and treatment of inmates that

may or may not be the intent of the governing agency. Criminal justice systems have four components; the legislative arm creates the law; the police enforce the laws; the courts determine if any laws have been broken and the corrections systems administers penalties. In the United States, these components do not form a "system" in any organized sense. They are embodied in a huge network of agencies scattered throughout various federal, state, county and municipal government units. These agencies exercise broad discretionary powers in a decentralized, uncoordinated fashion, often competing with each other for scarce resources. There are approximately 17,000 state and local courts and 90 federal courts.

More than 90 percent of all criminal cases never reach the trial stage. They are adjudicated by way of guilty pleas in a process known as PLEA BARGAINING, in which the prosecutor, the defendant and the defendant's counsel exchange concepts as to whether there could be a reduction of sentence in exchange for a guilty plea.

It has long been assumed that the principal way to accomplish the objectives of the criminal law is to impose sanctions on convicted offenders. This opinion comes from the President's Commission on Law Enforcement and Administration of Justice Task Force Report in 1967.

However, conventional wisdom suggests there are specific objectives for sentencing convicted offenders.

1. Prevention (detering criminals from committing further crimes by giving them unpleasant experiences they will not want to endure again.)
2. Restraint (protecting society from persons deemed dangerous because of past criminal conduct by isolating these persons from society.)
3. Rehabilitation ("punishing" convicted criminals by giving them appropriate treatment in order to rehabilitate them and return them to society so reformed that they will not desire or need to commit further crimes.)
4. Deterrence (detering others from committing future crimes by causing the suffering of criminals for the crimes they have committed.
5. Education (educating the public as to the proper distinctions between good conduct and bad through the publicity which attends the trial, conviction and punishment of criminals.
6. Retribution (imposing punishment by society on criminals in order to obtain revenge on the theory that it is fitting and just that one who causes harm to others should suffer for it.

There is no scientific basis to support the view that prison terms achieve particular objectives such as prevention, education, deterrence or rehabilitation. Incarceration in most of the institutions may be incompatible with the objective of rehabilitation. The objective of retribution is "morally indefensible" as a basis for incarceration since it represents a form of revenge or retaliation.

Given all the above, then what is the sentencing doing? If there are conflicting objectives in sentencing, the lack of or irrationality of legislative guidance and the severe limits placed on appellate review in most jurisdictions, virtually

no protections exist to ensure that a sentence is equitable and appropriate. Even though a judge may have a basis for giving a sentence, he or she is not accountable to anyone for the sentencing. And this is particularly true of the NEW SENTENCING GUIDELINES where the prosecutor can select by way of the indictment or indictments what he wants to accomplish in the way of a sentence. The prosecutor is judge, jury and executioner.

The primary source of sentencing comes from the legislative branch. One cannot expect Congress to pass a law or series of law that will correct the sentencing, when one reads the Sentencing Guidelines and the Legislative history behind it, wherein one branch of the Congress believes one thing and the other branch believes another. Congress is incapable of passing such a wide sweeping revision of guidelines without adequate hearings, evaluations of criminologists and sociologists and the moralistic views of the public itself, separated from the manipulative media.

If we had a legislative body that was responsible and listening to the groundswell of the people, they should specify the penal objectives that may be used in selecting criminal sanctions. Do we wish to rehabilitate? Do we wish to revenge ourselves? Do we wish a combination of both? What do we want?

Then the legislative bodies and Congress should codify the numerous factors that may be used in determining the length or severity of sentences (not the present system as it exists). Sentencing judges should be required to state basis used for this particular sentence, and not that selected by the U.S. Attorney and/or the Probation Officer. Appellate courts should be authorized to review the sentence and the basis used. Sentencing courts should also be authorized to exercise continuing jurisdiction over sentenced offenders to be sure the subsequent correctional program is consistent with the purposes for which a sentence was imposed.

In 1984, Congress adopted a more rigorous controlled sentencing system for the federal courts. The legislation defined the purpose of sentencing, eliminated parole, set maximum limits for various categories of crimes and created a United States Sentencing Commission (composed of both judicial and non-judicial appointees) and delegated the authority and responsibility for setting sentencing policies and procedures. See Federal Comprehensive Crime Control Act of 1984, 18 USCA §3553, 28 USC §§991-994. Those guidelines which are the subject of this discussion became effective November 1, 1987.

The guidelines are empirically based. There are base levels which can be changed by considering such factors as vulnerability of the victim and the importance of the sentenced offender in the crime. The guidelines also have explicit provisions about when a community based sentence such as probation is permitted.

No matter what the system is, or how perfectly it was begun, there will be detractors and critics. The New Sentencing Guidelines has its share. The reason, the basic reason, for these guidelines was to eliminate or reduce the judicial and administrative discretion in sentencing. Instead, we have merely shifted it to the U.S. Attorney's Office. The primary reason for this position was that substantial discretion provides enormous potential for abuse and operates on the faulty premise that prisons can rehabilitate.

William O. Douglas, former Justice of the U.S. Supreme Court stated that when he first went on the bench, he had thought of the law in the terms of Moses - principles chiseled in granite. But Justice Hughes, whom he considered to be the wisest Justice ever, told him, "You must remember one thing. At the constitutional level where we work, ninety per cent of any decision is emotional. The rational part of us support the reasons for supporting our predilections (prejudices). Douglas knew that Judges had prejudices, knew they had their moods as well and that their minds were the ingredient in the decision.

If that is true of Supreme Court Justices, then we can understand that the Sentencing Guidelines are the result of emotional decisions as well, that they are administered in emotion and that reason has little part.

Since they are not chiseled in stone, how do we change the Judicial System to allow the emotions, the experience and the rationality of every person to function?

First and foremost, we acknowledge our imperfections. We do not attempt to justify positions due either to superior position, intelligence or alleged knowledge. Instead, we realize that we are prone to prejudices, lack of knowledge of circumstances and ignorant of many conflicts of personality.

A white male, age 45, believes he is King of the Jungle. A white male attorney and/or Judge KNOWS that he is King of the Jungle. What experience has this white male had with women that qualifies him to judge? Beginning when he was small, his first contact was his Mother who punished him. His next contact was his sister who developed not only a sibling rivalry but competed with him. He grew up. He married. Now he had a slave, a sex object to command. As he went into business, he acquired a secretary, who was also his to command and sometimes use as a sex object. His recreational had its included the cocktail waitress whom he pinched for a fee known as a tip. Where is the sharing, the acknowledging of equality, the communication that flows between two men? There is no recognition, no knowledge and therefore sentencing is done from pure prejudice. Is this scientific? Yes and there are studies to support this which are included under Bibliography.

Is it possible that the crime committed can be looked at dispassionately, without bias, and that the Sentencing Guidelines be used with caution and not as though chiseled in stone? How do we do that? Again, it is vital that we think through what we are trying to accomplish? Are we trying to change for change's sake? Or are we concluding that we need to re-think the whole Justice System and its benefits and its needs? Is this the time for adjustment?

The American Bar Association Standards for Criminal Justice relating to Sentencing Alternatives and Procedures recommended, for instance, that the maximum sentence for most offenses not to exceed ten years and normally should not exceed five. Longer sentences should be reserved, in the ABA's view "for particularly dangerous offenders".

The Sentencing Commission arrived at their presumptive sentencing range by averaging past sentences for given federal crimes, "bastardizes" sentences and destroys any notion of proportionality.

Sentencing schemes, which involve delegation of authority to develop guidelines to sentencing commissions, have also been attacked on constitutional grounds as well. When a commission is composed of members appointed by the legislative branch and the executive and also, include judicial members, it has been held by several courts that separation of powers principles may be violated. The United States Supreme Court determined in U.S. v. Mistretta that this was not so. However, as stated elsewhere in this discussion, the guidelines are again under attack which will go to the Supreme Court on the violation of Due Process.

Have we had anyone look at the system? Yes - the President's Crime Commission, the National Council on Crime and Delinquency have all argued that prison terms be primarily used for dangerous and habitual offenders and that less serious offenders be released to community supervision without being subjected to the destruction of lengthy imprisonment.

The evidence, according to the National Council on Crime and Delinquency has stated, that sentencing legislative has resulted in courts sending a higher percentage of persons convicted of felonies to prison and for longer terms of imprisonment.

In California, in 1977, when determinate sentencing such as is practiced by the New Sentencing Guidelines presently, was legislated, there were 29 prison commitments per 100 convictions for all felonies. By 1986, the figure was 44 commitments per 100 convictions.

Groups such as the Uniform Law Commissioners, the American Bar Association, the National Commission on Reform of Federal Criminal Laws and the National Advisory Commission on Criminal Justice Standards and Goals have all urged reform.

Add to that now an aroused electorate who denies increased taxes for building more prisons and some 1 million inmates with their families who are slowly but surely recognizing that they have been unfairly sentenced, should not be incarcerated at all and we have a social revolution under way. This is going to be a riot - not the kind suggested last week in the Pre-release group, but a riot as to who is going to claim the credit for sensibly solving the problem of crime. Will it be the President who will proclaim far and wide that his get-tough-on crime stand produced the result? Will it be the Congress who will say, "You see we represent the people and therefore, WE DID IT? Will it be the Judiciary who, in their great honesty and wisdom, will state that their judicious decisions caused the solution? Or will it be inmates who finally are tired of the ever-increasing sentencing, the rhetoric of change, and begin the slow but inevitable process of simply flooding the Courts with criminal trials, with post-conviction remedies until the Court system itself breaks down? What would happen if just 10,000

inmates began to file post-conviction remedies, challenging the method and manner in which they were convicted? Obviously, this possibility has occurred to someone for we find that the chief judge of the Ninth Circuit wants an investigation of methods to allow federal appellate courts to decide which appeals they will hear. Presently, 6,000 cases annually are presented to the U.S. Supreme Court, of which they select 200 or less to hear. The Appellate Court System now wants to have this same power. The Chief Justice of the Ninth Circuit states his caseload has increased 70 percent in his 18 years on the court. And he states further that there is no study of optional review of appeals, even though the Federal Courts Study Committee told Congress in April 1990, that further study was needed.

Are these not stop-gap attempts to solve a problem that needs to have a basic overhauling? Bandages are just that - bandages. Do we need surgery, comprehensive surgery, to remove the cancer that is on this country and in this country - the cancer of pointing the finger at one's fellowman and pronouncing him or her as different from one's self and therefore needing punishment? Isn't this crime?

What are some of the solutions suggested? An expansion of intensive surveillance program is one. That cost is \$3,000 to \$5,000 per offender annually. Standard probation costs \$1,600 per year. Community involvement is another. Should industry get involved in the prison system, both as to sitting on the Parole Board, to giving grants of money to pay for various educational programs, including building, and to providing jobs for inmates? If Fortune 500 can go to U.S. Attorney General Thornburgh and get him to revise the long sentences and heavy fines being levied on convicted criminals in white collar crimes on Wall Street and in business, especially in Fortune 500, why can't that same pressure/lobbying be done for the poor, ignorant criminal who languishes forlornly in prison due to some misguided Sentencing Guideline that has and is being misconstrued due to the ruthless political ambition of the U.S. Attorney's offices? There are gross disparities in sentencing between judges sitting on the same court and between courts in various jurisdictions. In U.S. v. Carpenter, CA9, decided 8-3-90, the Court stated that it was unwilling to create a conflict with other federal appeals court decisions such as U.S. v. Boyd, 885 F.2d 246. That means that an appeals court is a me-too court and is not going to be the cutting edge of any judicial system.

The trial judge is motivated, but that motivation is difficult to determine because of the subjective nature of sentencing. The trial court has the advantage of the presentence investigation report, known as the PSI, which all too often is inaccurate due to the information given to the Probation Office by the prosecutor; the trial court also has the advantage of reports of government investigators which are not set forth in the record and then we have the overworked appellate courts who are overwhelmed by the burden of sentencing appeals. U.S. v. Wiley, 278 F.2d 500.

Are women sentenced differently than men? Oh yes, indeed! A sociological study satisfies that question very well. That study states that pretty attractive women get a lesser sentence, whereas old, homely women get the longer sentence.

Does plea bargaining work in the sentencing process? Absolutely. Plea bargaining is done to eliminate the potential risks of a trial. But actually, prosecutors typically engage or decline to engage in plea bargaining, not out of any sense of ensuring justice, but rather, upon an assessment of the strength or weakness of a case or the crowded condition of the trial calendar.

To illustrate, the writer was offered a four month sentence in prison for a 72-count indictment if she would plead guilty to just one count. Those indicted around her pled out and were given probation. When she refused, stating she was not guilty and went to trial, not only was governmental perjury and introduction of false evidence used to ensure conviction, but her sentence is 9 years.

Plea bargaining is unacceptable for many reasons. It permits inappropriate leniency for hardened or dangerous criminals. It may encourage innocent defendants to plead guilty. It often conceals illegal activities of the law enforcement personnel. It stimulates cynicism about the criminal justice process. It encourages overcharging and lessens the necessary pressure for legislative reforms and it makes the correctional process even more irrational than it normally is.

Having read over some 500 PSI and have done the post-conviction remedies for probably some 300 women, the writer can state that most of the plea bargains involve misinformation given to them by either their Defense Attorney, some members of the family, who obviously heard it on the street, or on the radio or on the television, or some other character who states they are from such and such agency. It is pathetic to read the cases of Spanish women, of Nigerian women who have been sucked into a system of punishment due to stupid errors made by the judicial system and their own defense attorneys. Sad, sad.

Judge Tuttle in his dissenting opinion in *Shelton v. U.S.* (1957) 246 F.2d 571, said:

"A correct statement of the applicable rule might be a plea of guilty entered by one fully aware of the direct consequences, including the actual value of any commitments made to him by the court, prosecutor, or his own counsel, must stand unless induced by threats or promises to discontinue improper harassment, misrepresentation or perhaps by promises that are by their nature improper as having no proper relationship to the prosecutor's business (such as bribes)."

Lest this dissertation get too involved, let us end the problem of plea bargaining which is an integral part of the Sentencing Guidelines by quoting the National Advisory Commission's proposal.

"A Court should not accept a plea if (1) counsel was not present at plea negotiations but should have been; (2) the defendant is not competent or does not understand the charges against him; (3) the defendant was reasonable mistaken or ignorant as to the laws or facts related to his case and this affected his decision; (4) the defendant does not know his constitutional rights and how the guilty plea will affect those rights; (5) during plea negotiations, the defendant was denied a constitutional or significant substantive right that he did not waive; (6) the defendant did not understand the potential disposition at the time the plea was negotiated; (7) the defendant had been offered improper inducements to enter into a guilty plea; (8) the admissible evidence is insufficient to support a guilty plea on the offense for which the plea is offered or a related greater offense; (9) the defendant continues to assert the innocence of the conduct upon which the charge is based; and (10) acceptance of the plea would not serve the public interest."

Rule 11 of the Federal Rules of Criminal Procedure has been amended five (5) times during the 1980's to incorporate many of the ABA Standards into federal procedure. Does that make it so impossible then for amendments to be accepted into the federal system such as have been suggested by the various agencies, associations and groups who have studied the Sentencing Guidelines and have come to the conclusion that they are based on the wrong concept and are not functioning as intended?

The Sentencing Guidelines eliminates probation and parole. Probation, in law, is a suspension of sentence for a person convicted of a minor offense. First offenders, are often granted probation in the belief that society is better served if they are given another chance. Probation differs from Parole in that parole is a conditional release granted after the offender has served part of the sentence. The prisoner is excused from serving the remainder of the sentence provided he or she maintains good behavior.

Attempts to aid the prisoner's return to society have led to the development of several innovative programs. The goal of conjugal visitations is to keep marriages intact by permitting social and sexual contact between prisoners and wives. Furloughs provide home visits of 48 to 72 hours for a prisoner nearing his release date. Work release programs permit inmates to test their work skills and earn money outside the institution for the major part of the day. Supervised halfway house is designed to help the parolee make the transition from prison to community. First-time youthful offenders may be sentenced to short-term shock incarceration units which function like Marine boot camps. Offenders convicted of non-violent crimes may receive probation rather than a prison sentence. Some may be required to perform community service and to pay restitution to their victims. House arrest offenders wear devices that send electronic signals notifying probation officers of their whereabouts.

Once an offender is ordered confined in an institution, he is placed under the complete control and custody of correctional officers. It is not clear however, what the authority and responsibility of correctional officers is over the prisoners assigned to them. Significant statutory regulation of penal institutions is rare. Statutes normally delegate unbidled powers to corrections departments and provide them with only the vaguest of standards. Enormous discretion is left to correctional administrators to establish their own objectives for correction and to define the conditions of imprisonment.

For instance, let us consider a rule here at FCI Pleasanton. At noon, the Lieutenant will go down the line and insist that every shirt or blouse is tucked in the women's pants. When questioned as to why the rule, there is no answer other than it is a rule laid down by the Associate Warden. If the answer is security, then pray tell me why that same rule does not apply on Saturday and Sunday? It does not. Rather like the inmate who was placed in segregation because he sat on a specific bench which was not allowed. Checking into the reason, it was found that ten years previously, the paint on the bench was wet and so a rule was made not to sit on the wet, painted bench. But as the years passed, no one removed the rule.

Shall we now remove the various rules that are outdated, outmoded, worn out, and ineffective? Do you have the courage? I doubt it.

To sum up, formulation of the Sentencing Commission's Guidelines were based on mechanistic evaluations and not personal or individualized background profiles. The essential lie of the Sentencing Guidelines is that, by establishing "neutral criteria" which vastly restrict the District Judge's discretionary powers, they eliminate disparity in sentencing. In reality, the present guidelines system merely replaces one system of subjective sentencing with another. Indeed, the guidelines are an intricate and complex code of sentencing and, as such, require extensive construction. Needless to say, this construction is not conducted by computers - much less by gods. Instead, the implementation of the present guidelines system is highly dependant on the judgement calls of fallible human actors,

who are no less susceptible to errors in judgement and differences in interpretation than their pre-Guidelines predecessors. Hence, where sentencing judges once applied their legal knowledge and life experiences to the facts of a given case, we now call on them to evaluate the defendant's circumstances according to the dictates of a complex and cumbersome code.

And that reasoning comes from a decision found at 895 F.2d 1223 titled *Robbins v. Secretary of Health and Human Services*.

What to do?

The pressure of no money, overcrowding, lack of programs, and that ever present rioting theory is going to force the issue. The only question is "when"? Certainly, when the inmates flood the Courts with thousands and thousands and thousands of post-conviction remedies and when they begin refusing plea bargains, then we have a court system that is finished - kapoot - done.

All the various studies have been completed. Like the cancer studies, they are all there - in computers, in various agencies. The solution is a composite of all.

It could begin with just one person - just one person and it could be YOU, who decides to begin the search - not for a perfect world - but to see if there are alternatives.

The first item on the agenda of prison reform is to determine the basis - what are you trying to achieve? Do you want to reduce the cost? Do you want to reduce the overcrowding? Do you want to get votes? What do you want? For your subjective reasoning is what will produce the change. Once the decision is made to end this futile overcrowding brought on by well-meaning but obviously not working Sentencing Guidelines, then the means comes about.

Determine the reason for prison. Determine the end result to be achieved. Then determine how best to achieve that end result, be it home arrest, probation, parole, whatever.

It can all be done very cleverly, without having to point the finger at anyone. Simply appoint one of those ever-ready committees who then assigns bright young minds to do the work while the committee member basks in the light of television. And evaluate the already completed studies. Then announce, just as was announced the Warren Commission finding, the results and let the public tell you the answer. In the meantime, quietly begin to release prisoners in accordance with the January 1990 evaluation by the Parole Commissioner who determined that overcrowding could be eliminated by a steady release of prisoners under certain conditions.

It can be done.

It will be done, if not by you, then by the inmates themselves and the many, many members of their families who write letters, call Congressmen and the various clubs and agencies who are devoted to prisoner's rights.

Changes Seen Likely in Rules On Sentencing

Alternatives to Prison Are Likely Amendments

BY DEBORAH PINES

THE FEDERAL Sentencing Guidelines stand a "good chance" of being modified to include more alternatives to incarceration, the chief of the Federal Sentencing Commission predicted last week.

U.S. Circuit Judge William W. Wilkins Jr. of the Fourth Circuit was reluctant to predict the chances of adoption for any of the proposals which the five-member Commission cleared last Thursday for public comment. But he predicted success, in some form, for some of the eight judiciary-backed proposals concerning alternative punishments.

Longtime supporters of the alternatives — which include more use of probation and short terms of imprisonment, especially for first-offenders — expressed satisfaction.

"It's this a Christmas present," asked Southern District Judge Vincent L. Broderick, chairman of the Judicial Conference Committee on Criminal Law and Probation Administration. Judge Broderick's committee's same eight proposals on alternative sentences did not reach the 60-day public comment stage last year during the sentencing Commission's annual

Continued on page 3, column 3



Judge Vincent L. Broderick

Proposals for Prison Alternatives

■ **Rebuttal split sentence.** Require imposition of one month of imprisonment rather than the current requirement of imprisonment for at least one-half of the minimum term.

■ **Widen availability of alternatives.** Add 10 more Guidelines "cells" to eligibility for community confinement or home detention.

■ **Widen availability of straight probation.** Add two more offense levels which permit probationary sentences.

■ **Permit more flexibility in sentencing young offenders.**

SOURCE: Federal Sentencing Commission. Proposals will be subject to public comment and further review for possible amendments to Federal Sentencing Guidelines.

Changes Seen Likely in Rules on Sentencing

Continued from page 1, column 3

review of the guidelines. The annual review culminates in the Commission submitting to Congress in May amendments it wants implemented next November. If the amendments are not rejected by Congress, they are promulgated as part of the guidelines.

The Federal Sentencing Guidelines, which took effect on Nov. 1, 1987, were approved by Congress to bring uniformity and proportionality to federal sentences.

The guidelines ended parole and imposed a grid of factors, such as a defendant's history and role in the crime, which judges must follow to calculate sentences. Judges who depart from the guidelines must specify

their reasons in written decision which are appealable.

Among the proposals for alternative sentences is a call for redefining the "split" sentence to require imposition of at least one month of imprisonment, rather than the current requirement of imprisonment for at least one-half of the minimum term.

Other proposals call for enlarging the range of offenses for which straight probation or probation with community confinement or home detention are available.

Judge Wilkins, in a telephone interview from Greenville, S.C. on Friday, said the Sentencing Commission decided to submit for public comment many proposals which have some support in and outside the commission, but will not necessarily ever be

promulgated.

"We learn a lot from the public comment," he said.

He said the proposals for alternative sentences were not submitted for public comment last year because Commission subcommittee had not yet completed its own look at alternatives.

The proposals are expected to be published in the Federal Register around Jan. 1, said Paul Martin, assistant deputy staff director of the Sentencing Commission.

Mr. Martin said in addition to the alternatives to incarceration, proposals subject to comment include a call for allowing further departures in sentences for defendants who play a minor or minimal role in certain offenses, especially narcotics cases.

DEEP SWEE

SUGGESTED SOLUTIONS

Change is inevitable. The only decision to be made here is when.

There simply is no way in which the "System" can continue to support the quantity of inmates in the prisons presently available.

What to do?

There are two procedures, long analyzed, long published by the Bureau of Prison that can be used to alleviate the problem of overcrowding which is the initial problem.

Bureau of Prison Policy 5050.41 dated October 5, 1983 is headed PROCEDURES FOR THE IMPLEMENTATION OF 18 USC 4205 (g). That means there is a basic law which provides the fundamental concept for change.

This Program Statement states that the Bureau of Prisons may make a motion, to the sentencing Court which makes an inmate immediately eligible for parole by reducing the minimum term of the sentence to time served.

This has heretofore been used when there is an extraordinary change in an inmate's personal or family situation or if an inmate becomes severely ill.

BUE - The Bureau of Prison may also use this 18 USC 4205 (g) to relieve prison overcrowding, PROVIDED THE BUREAU HAS RECEIVED A WRITTEN STATEMENT FROM THE U.S. PAROLE COMMISSION THAT THE INMATE COULD BE SAFELY RELEASED FROM PRISON UNDER CURRENT PAROLE COMMISSION STANDARDS.

The procedure begins with a written request to the Warden.

Many women could apply and be released under this provision.

The next solution is one dated January 2, 1990 and coming from the U.S. Parole Commission Chairman, Benjamin F. Baer. Here we have the direct result of the Parole Commission stating that there is a problem of overcrowding and making some suggestions.

Those suggestions begin with expanding Curfew Parole, Advancing presumptive parole dates, extending superior program achievement, refusing to accept parole violators (using community resources instead) releasing the ill and the elderly.

It is evident the method and procedure is available.

All that is required is for the Bureau of Prison to implement the already approved, already provided for law.

Margaret A. Campion
58 Bloomingdale Avenue
Saranac Lake, NY 12983
February 28, 1992

United States Sentencing Commission
1331 Pennsylvania Avenue, N.W. Suite 1400
Washington, D. C. 20004
Attention: Guideline Comment

To Whom It May Concern:

As a layman, I am unfamiliar with the numerous sections of the law, the "points", "caps", schedules, etc. to which the materials refer. However, as someone who works in a Federal Correctional facility, some things seem very apparent. My comments pertain to the ever increasing percentage of first time drug and drug conspiracy offenders. While my comments are general, they are in response to the following portions of the Notice:

p.95, Section 2D.1.1. Unlawful Manufacturing, Importing, Exporting or Trafficking (Including Possession with Intent to Commit These Offenses)

pp. 101 and 102, Illustration of Chapter Three, Part B, as amended by Proposed Amendment 17 (A), Role in the Offense, Additional Issues for Comment

p. 110, Chapter Five Part A -Sentencing Table, Part B - Probation, Part C - Imprisonment, Additional Issues for Comment

p. 112, Chapter 5, Part H - Specific Offender Characteristics, and Part A, Departures.

- I. **We are paying to incarcerate a very large number of foreigners who at the end of their sentences are deported.** As twenty year sentences become more and more common, we are squandering considerable national resources which will never bear a return in the United States. This is a bizarre foreign aid program!
- II. **The majority of new inmates are young men of minority groups (black and Hispanic) apprehended when they are between eighteen and twenty-six, and convicted on drug related charges.** Their crimes are attributable to typical failings of young men. They want money and the world's goods now, and they approach the getting of them with that gender and age group's lack of judgement (as reflected in car insurance rates, among other things). They feel they are smart, invulnerable and immortal.
- III. The mandated sentences are frequently too long and disproportionately severe for the following reasons:
 - A. **Nothing is gained by sentencing a man in his early twenties to a twenty year as opposed to a ten year sentence.** Ten years is an eternity to a young person,

but if he can get out of prison in his early to mid thirties, he has hope. He can still start or rejoin a family. He can obtain some meaningful training while incarcerated, and rejoin his peers with hopes of making a decent living and of being a productive member of society.

Sentence such a person to twenty-five years, and what hope can we have for him being productive upon release. He will be past the age for marrying, his parents will be aged or dead, his children, if any, grown without him, and away from him, his peer group will have hopelessly outpaced him in work or profession. He can bring no comparable work experience with him from prison. It is extremely difficult to motivate such a person to learn, to improve, to change.

Locking up these young men does not stop drugs. As they tell me, "There is just too much money in it. When we're arrested, there are four or five young guys waiting to take our place."

If rehabilitation is possible, it will occur within ten years. It probably occurs in the first five. While we must admit some offenders should and will spend their lives incarcerated, **many can outgrow the attitudes and behaviors which got them into jail.**

- B. **The sentences are disproportionate when compared to those received for violent crime.**
- C. **Plea bargaining appears to let the worst offenders off.** From the Iran Contra hearings to the Noreiga trial, an abysmal example has been set. Justice here is certainly not blind, and the disparate treatment engenders great bitterness.

- IV. **Society and many of these men would be better served by alternative sentencing** such as house arrest with electronic bracelets and mandated work. (If they have not been gainfully employed.) Such alternatives might work best after a year or so in prison, so that they truly appreciate not being there. With such alternatives they could preserve their family ties, and contribute to the system rather than draining it.

The length of sentence and the monetary compensation for the work they do are their primary concerns while incarcerated. **Perhaps a sentence which allows for reduction if specific goals are met,** such as obtaining a GED, completing ESL training, completing an apprenticeship, obtaining a college degree, would better serve society, and in the long run lessen the burden to the tax payer.

- V. **Business needs to be more involved.** Most of these young men are in jail because they wanted to make money. The staff in general has no concept of the amounts of money these men aspire to make, or indeed, have handled. It is simply beyond the realm of their experience.

I have worked in venture capital and investment banking, and when I point out to a Columbian that the open market pays \$0.12 to \$0.50 per word for translating, I can see the wheels turn. They are counting the number of bilingual secretaries they can hire, and calculating the profit. The same is true when they begin to appreciate the business potential of the computer. **Many of these inmates are entrepreneurs whose business was illegal, because it was the only significant money maker of which they were aware.** We need desperately to educate these young men to legitimate business opportunities, before they start handling drugs.

The current situation echoes Prohibition.

- VII. **Prisons as a growth industry, which is openly discussed within the BOP, indicates something is terribly wrong with our approach to these problems.** While this is beyond the perview of the Commission, the drug issues need to be addressed in conjunction with other social issues, not merely through incarceration.

Sincerely yours,

Margaret A. Campion

ANNE F. SOLENBERGER
50 FRANKLIN STREET
BLOOMSBURG, PA 17815

Feb.29,1992

uS Sentencing Commission
1331 Pennsylvania Ave,NW Suite 1400
Washington,D.C. 20004

Attention: Guideline Comment

I know of a friend in prison who is not getting a fair deal & her young children are abandoned because of it. For every wrong there is right.just because a woman may get mixed up with drugs even tho she may not have taken drugs,doesn't mean she has to not get a fair tail.For the sake of her children,please be fair.Think of what they have to grow up with.No wonder there are so many children doing wrong.Think of t their future.Give her a change and many others like her.Have a heart! I don't want my tax dollors to go to people in jail when they don't belong there.Put yourself in her shoes.

Get them to do Communtiy service.To be useful

Sincerely;

Anne F Solenberger

February 20, 1992

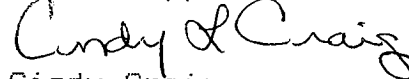
Cindy Craig
5202 El Claro Circle
West Palm Beach, FL. 33415

United States Sentencing Commission
1331 Pennsylvania Ave. N.W.
Suite 1400
Washington DC. 20009

Sirs:

We understand that there's a possibility of some new laws being passed in regards to our prison systems. We all know overcrowding is a severe problem and the wrong people are being released. Our most feared people who are murderers, molesters, and robbers are out in a couple of years but first time offenders are serving 5 YEARS. What are we trying to prove? It is the opinion of many citizens who know an inmate that community service, house arrest, lower sentencing with possible 0 level for 1st. time offenders would work well. Gain time for good behavior would prove successful and please make it retroactive for inmates who have served some of their time. Take these funds and provide counseling for these people to find out the whys in their lives and what caused the behavior. Our system is destroying alot of people who end up in divorce because of a 5 YEAR sentence and then there are multiple problems. In the long run the expense created with a Level 1 inmate for 5 years is detrimental to our government budget and we as taxpayers would much prefer to see these 1st. time offenders in our community than these criminals who are released in a couple of years.

Sincerely,



Cindy Craig

ELIZABETH R. MARSH

P. O. BOX 484

LEWISBURG, PA. 17837

203 NORTH THIRD STREET
717-524-0191

Communications Director
Sentencing Commission

February 28, 1992

Dear Sentencing Commission Members:

This is to comment on proposed changes in the Sentencing Guidelines.

My background is that I work with the Lewisburg Prison Project, an organization which provides assistance to inmates at the U.S. Penitentiary at Lewisburg as to conditions of confinement. We also provide representation at parole hearings.

I can't comment on details of the proposed new Guidelines but strongly support the following general directions:

1. Increased opportunities for good time and the rewards of early release.

In parole hearings I have always been impressed by the effectiveness of parole to encourage the virtues of self-restraint at the present moment to gain the long-term benefit.

2. Shorter sentences and alternative sentencing for all but the most violent or persistent offenders. A short period of incarceration can even be helpful to a person, getting him into a different environment and into therapy and education. But after a few years, any benefit in treatment or in deterrence is outweighed by the mental deterioration and the loss of connection with reality which soon set in.

(Would anyone reading this letter decide to give the benefits of incarceration to a son as his education? Would the reader be able to function in the world on this day in March 1992, if he'd been locked away since 1982?)

The result of long sentences is that we then release men and women who are seriously handicapped by their years locked up, where they did not need to make decisions or use subtlety or honesty in human relations.

Thank you for your attention to this letter as you continue your difficult task.

Sincerely,

Elizabeth R. Marsh

Elizabeth Marsh, Ph.D.

Howard & Sylvia Dussome
2068 Tate Road
Rice, Washington 99167

February 24, 1992

US Sentencing Commission
Attn: Judge William W. Wilkins, Jr.
1331 Pennsylvania Avenue
Suite 1400
Washington DC 20004

Dear Judge Wilkins:

As parents of a young woman who is currently serving a five year sentence for a first time offense and her husband of a little over a year, who is serving seven years, we welcome this opportunity to express our views on the shortcomings of first time mandatory minimum sentencing.

These two young people unarguably fell short of the law by participating in growing marijuana. This we do not dispute or condone. However, to sit in a courtroom and listen to a Federal Judge who asked for leniency based on their personal background, be forced to bow to the wishes of the prosecutor raises many questions as to the effectiveness and fairness of the present sentencing system.

My husband, myself, numerous family members and friends, sat stunned as the Judge, pre-trial investigators, drug counselors (there was no drug or alcohol abuse involved), defending attorneys and the psychologist, one by one, expressed their confidence in the defendants and tried to convince the prosecutor that, in this instance, everyone concerned strongly felt that Sharon and Allen Gehring, who have never previously broken the law, should be allowed a second chance.

We did not expect nor ask for acquittal, neither did we expect that a Federal Judge would be so totally powerless over proceedings in his own court. His recommendations were ignored right down to the place of incarceration. Sharon is presently housed in a medium security prison in the state of California despite the request from the Judge that she serve her sentence in a minimum security facility in her home state so as to have the support of family and friends.

The prosecutor's confidence during their arraignment as to the extent of their involvement fell short of the actual truth which was evidenced by subsequent investigation. Much of his information was erroneously based on the testimony of others of equal involvement who were desperately (with great success) trying to save their own skins. However, intimidated by the prosecution's threat of yet longer sentences should they have chosen trial by jury, the Gehrings opted for plea bargaining.

Despite full cooperation with the prosecutor, their sentences were extremely severe for first time offences. These are two people

who would have gone down in the records as being successfully rehabilitated had they been given the opportunity to prove themselves. This is evidenced by the support given them by all officials, family and friends concerned, with the sole exception of the prosecuting attorney.

In these days of difficult economic times and unparalleled prison overcrowding, doesn't it make sense to reserve prison space for those who commit violent crimes against society and those who have been proven unworthy of leniency by repeat offenses and unrepentant acts and attitudes, and show a little mercy for those who are more than willing to take responsibility for their acts and make restitution to society for their shortcomings? This would also relieve the American taxpayers who have better things to do with their hard earned money than to foot the bill for incarceration and all that goes along with it, for those who prove that they are not a threat to society and are willing to turn their lives around and become productive members of the public?

Similar cases have resulted in wide ranging sentencing with numerous repeat offenders receiving lighter sentences than the Gehrings. Career informers go free in return for biased testimony while the fate of the first time offender seems to rest in the hands of just one person. There is also a wide sentencing range depending upon whether the offense is tried by individual states or the Federal Government. Can anyone explain why this should be? Isn't that what our judicial system and constitution was designed to prevent? What happened to "equal justice for all"? The present sentencing system appears more like justice for those who can make the prosecution look good and put another notch in their belt in the tallying of cases won against cases lost. People are individuals and each case should be tried on its own particulars and merits rather than imposing mandatory minimums which defeat the purpose of reducing the crime rate. Statistics have proven this to be true.

We urge your committee to take a long, hard look at the present sentencing system and the possibilities of reform and restore much more power to the judges who are often allowed to be nothing more than mere figureheads in their own courtrooms.

We appreciate this opportunity to voice our personal opinion, and according to all the support we have received in the case of our daughter and son-in-law, the opinion of many Americans.

Howard & Sylvia Dussome

Howard & Sylvia Dussome

Sylvia T. Dussome

19F University Houses
Madison, WI 53705

February 28, 1992

U. S. Sentencing Commission
1331 Pennsylvania Ave., NW
Suite 1400
Washington, D.C. 20004

Dear Sir/Madam:

I am aware that there are to be public hearings on the Sentencing Guidelines and that public comment is requested by March 2, 1992. The Guidelines have a direct effect on my life, and I would like to make the following comments.

1.) The sentencing guidelines as they now stand lead to harsh, unrealistic sentences that create an extremely embittered prison population. Most of that population will be out on the streets someday. We cannot realistically expect that they will ever contribute to our society with the type of treatment they are receiving in these overcrowded, understaffed prisons.

2.) As a taxpayer I resent paying \$30,000 to keep someone in prison for years who was caught with a few ounces of marijuana or cocaine. I do not use drugs, nor do I approve of them. But if we can't learn that treatment is the only cure for the drug problem, then we are indeed going to keep building prisons until half of us are inside and half of us are outside. We're certainly headed in that direction now. Spend my tax dollars on treatment, not warehousing.

3.) In addition, due to the nature of our society, it is the African American community that is being hardest hit by these laws. A young black male is more likely to wind up in prison in the United States than he is if he lives in South Africa, a country we like to hold up as the most racist on the planet. Our prison statistics should give us pause on that question.

4.) My companion is currently incarcerated in a federal prison, on a non drug-related charge. Since he was sentenced under the old law one would think that he is therefore not directly affected by the sentencing guidelines. However, the embittered young people facing ten, twenty or thirty years in prison without parole feel they have nothing to lose. They are an ever-present danger for short-termers or people who can earn good time and the possibility of parole. People with the possibility of parole and "doable" sentences usually do their best to keep out of trouble. I therefore also resent the fact that my companion is serving time with people who have been imprisoned under these new laws. And whatever the Bureau of Prisons says, they are incarcerated together. A twenty year sentence for a twenty year old might as well be life. That is the way that they look at these sentences, and they act in prison accordingly placing everyone around them in danger. It doesn't mean that they are particularly bad people. It means that these sentences have given them a life in

prison without hope.

With this letter I am pleading with you to get rid of these outrageous sentences. If not for the sake of humanity, at least for the sake of our budget!

Sincerely,

Kathryn L. Green

Kathryn L. Green, Ph.D.
University of Wisconsin

Box 580
Lewisburg, PA 17837
Feb. 29, 1992

Sentencing Commission
1331 Pennsylvania Ave.N.W. Suite 1400
Washington, D.C. 20004

Dear Sir/Madam,

I urge you, implore you with all my heart to do away with mandatory sentencing Guidelines altogether. Not giving the judges the discretion to sentence as they see fit is an insult to their intelligence. It also forces the taxpayer to build, maintain and staff prisons for people who might not deserve the kind of sentence currently being mandated.

I have worked with attorneys, and with prisoners for about 20 years, the last two years as a paralegal, and I have seen prisoners change while incarcerated. At the very least they should be given back their chance at being paroled.

The reverse is also true, of course: some people graduating from the "colleges of crime" may well be a menace after completion of their mandatory sentences.

Therefore I do hope you will abolish mandatory sentencing and reinstitute the parole system.

Sincerely

Brigitte M. Cooke
Brigitte M. Cooke

6085 Manning Road
Indianapolis, Ind 46208
(317) 293-4660
February 24, 1992

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

Dear Mr. Wilkins:

It has recently come to my attention that the Sentencing Commission is re-evaluating the sentencing guidelines established in November of 1987.

I would encourage you to look at two areas, that of giving judges more discretion in the sentences imposed and that of offering options to imprisonment, either through parole or community confinement.

Although the goals of the 1987 sentencing guidelines were laudatory, in reality they have become a nightmare. The human element has been discarded in favor of mathematical calculations. And those do not always add up to the most just or fair sentence an individual or society.

I would also urge your commission to look at alternatives to incarceration. The United States has a higher percentage of its citizens locked up than any other in the world; yet our crime rate continues to soar. We have known for some time that the longer a person is incarcerated, the more likely he is to commit another more serious and more violent crime upon release. We need to save incarceration for only the truly dangerous, and look to alternatives for others. We also need to build more incentive into the system, especially through the use of parole. As the psychological maxim states, "behavior that is rewarded will be repeated," and we are not rewarding positive behavior at the present time. Then we are surprised when it is not repeated.

In summary, I would urge your Commission to allow greater flexibility by judges in sentencing and make much greater use of alternatives to incarceration. Your response would be greatly appreciated.

Sincerely yours,


Jane Ann Lemen
Jail Ministry Outreach Worker