

United States District Court

Eastern District of Michigan

Detroit 48226

Julian Abele Cook, Jr.

Chief Judge

March 3, 1992

United States Sentencing Commission
1331 Pennsylvania Avenue, N.W.
Suite 1440
Washington, D.C. 20004

Dear Commission Members:

I write to you in response to your request for the views of the judges within the Eastern District of Michigan regarding proposed amendments to the sentencing guidelines. Many of our opinions are substantively the same as those that we expressed to you last year.

In order to glean a consensus of thought among my colleagues, a deliberative process was adopted and followed. Initially, I asked our Probation Department to examine the proposals and submit their reactions to our Probation and Pretrial Services Committee for its consideration. Following a lengthy and thorough discussion of the issues, our Probation and Pretrial Committee incorporated some of, and made several modifications to, the comments that had been originally submitted to it by the Probation Department staff. Copies of these comments have been enclosed for your examination and evaluation.

The Committee also made the following recommendations which, if adopted, will be forwarded to your Commission for its consideration:

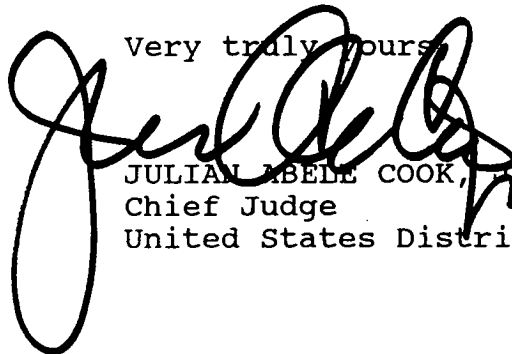
1. The time limitations of the comment period do not allow a sufficient length of time for serious discussion and comment by the affected parties.
2. The judges of the Eastern District of Michigan support those amendments proposed by the Judicial Conference of the United States.
3. The judges also support Amendment 34 which allows consideration for departure in cases of defendant cooperation.

4. The Sentencing Commission should give greater consideration to those amendments which increase the discretion of the sentencing judge as that discretion has been shifted to the prosecutor in many cases under guideline sentencing.
5. The Sentencing commission should consider a moratorium on submitting new amendments as the process of sentencing becomes more complicated and confusing each time new amendments take effect.

Finally, permit me to offer a constructive suggestion for your consideration. It is our general belief that the format which has been used by your Commission to elicit comments from the bench and bar to the proposed amendments to the sentencing guidelines makes them somewhat difficult to comprehend. Thus, we urge you to consider the development of a different and "reader friendly" format whereby (1) the old material could be easily distinguished from the new material, and (2) the reasons and justifications for the proposed changes to the sentencing guidelines could be outlined in a better manner.

Thank you.

Very truly yours,



JULIAN ABELE COOK, JR.
Chief Judge
United States District Court

JAC:pf