

Mr. Mike Corlander
January 13, 1992
Page Two

Mr. Gregory was employed as a mining engineer, married to a school teacher and the father of a four year old daughter. From the conversations which I had with the prosecutors and judges, the remarks made during the trial and sentencing hearings, I concluded that everyone connected to this prosecution felt that the sentences imposed were probably too harsh for the crime and the quality of individuals involved. Yet, both the judge and prosecutors had a job to do under the laws of the United States and all did their jobs in a commendable fashion. However, a system of justice that provides no discretion to the sentencing judge or the prosecuting attorney is a system that can easily result in inequities for the first time offender.

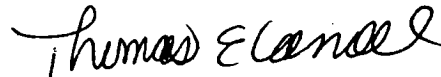
This is the first criminal case I have defended which I had difficulty sleeping at night both during the trial and after the return of the verdict. The thought that these two very fine young men, who incidently still maintain their innocence, serving nearly eight years in the penitentiary for an offense in which state courts would have resulted in most jurisdiction a very small amount of time, if any, spent incarcerated bothers me.

I am writing this letter to urge that the Sentencing Commission and/or Congress review the sentencing guidelines and statutes. First time offenders on marijuana charges should be eligible for some type of probation or parole or the sentencing guidelines should be so broad that a judge have considerable discretion in a sentence to be imposed.

Our trial lasted approximately five days. During that time, both defendants conducted themselves as gentlemen. They conducted themselves as gentlemen during the arrest, trial and sentencing. Justice has not been served in this particular case by a lengthy sentence. Justice could have been served had our Federal Judge and prosecutors had more discretion in this matter.

Thank you for your assistance in this matter.

Sincerely yours,



Thomas E. Carroll

TEC/dss

Date: February 27, 1992

To: Michael Courlander, Director
United States Sentencing Commissioner
1331 Pennsylvania Avenue, N. W. - Suite 1400
Washington, D. C. 20004

From: Marrie Rose Miller
#11768-039 (Younity)
Federal Medical Center
3301 Leestown Road
Lexington, Kentucky 40511

Regarding: Sentencing Guidelines

Dear Director Courlander:

I am writing in hopes you will take the time from your busy schedule to review the following data. I realize your job and that of your fellow commissioners is difficult, but I sincerely feel that after you review the following you will also join, with those numerous voices and urge Congress to elaborate on the Sentencing Guidelines, in respect to Lysergic Acid Diethylamide. The purpose of the Sentencing Guidelines is to eliminate disparities in sentencing.

Policy Statement which states:

"The Acts basic objective was to enhance the ability of the criminal justice system to combat crime through an effective, fair, sentencing system. To achieve the end, Congress first sought honesty in sentencing.....

Congress sought reasonable uniformity in sentencing by narrowing the wide disparity in sentences imposed for similar criminal offenses committed by similar criminal offenders.

Congress sought proportionality in sentencing through a system that imposes appropriately different sentences for criminal conduct of differing severity." "Annoted S. G. at. P.2."

The following will demonstrate the existing problem and disparity in sentencing offenders convicted of L.S.D. distribution.

The various forms of distribution in L.S.D. Liquid (purist form of diluted). Blotter paper, tablets, capsules,

geletin, sugar cubes, and most recently sprayed on marijuana.

The term mixture or substance should not apply to L.S.D. and the distribution of the hallucinogen.

In part D of the guidelines, there are a number of tables. There is the Drug Quantity Table. That table consist of the following:

"pg. C. 65 (421)

Base Offense Level 36.

At least 10 KG but less than 30 KG of heroin;
(or the equivalent amount of other Schedule I or II Opiates);

At least 50 KG but less than 150 KG of Cocaine;
(or the equivalent amount of other Schedule I or II stimulants);

At least 500 G but less than 1.5 KG of Cocaine Base;

At least 10 KG but less than 30 KG of PCP or at least
1 KG, but less than 3 KG of pure PCP;

At least 10 KG but less than 30 KG of Methamphetamine, or
at least 1 KG but less than 3 KG of pure Methamphetamine;

At least 100 G but less than 300 G of LSD;
(or the equivalent amount of other Schedule I or II Hallucinogens);
etc....,

Level 36 clearly indicates the pure and unpure form in
two different substances.

"C. 73 (429)

Unless otherwise specified the weight of a controlled substance set forth in the table refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the greater offense level. In the case of a mixture or substance containing PCP or Methamphetamine, use the offense level determined by the entire weight of the mixture or substance or the offense level determined by the weight of the pure PCP or Methamphetamine, whichever is greater.

"pg. C. 77 (433)

The purpose of the amendment is to make the Drug Equivalency Tables more comprehensive. The effective date of the Amendment is November 1, 1989.

The above statement does not clarify the term mixture or substance in reference to L.S.D.

"pg. C. 77 (433)

130. The commentary to §2D1.1 captioned "Application Notes" is amended in Note 10 "Drug Equivalency Tables" in the subdivision captioned "Hallucinogens" by deleting "1 Mg" in the line beginning "LSD (Lysergic Acid Diethylamine)" and inserting in lieu thereof ".05 MG." by deleting "Peyote 12 MG and by inserting the following in the appropriate place in alphabetical order:

"Peyote (dry)	12 gm"
"Peyote (wet)	120 gm"
"Psilodyke mushroom (dry)	5 gm"
"Psilodyke mushroom (wet)	50 gm".

"The commentary to 2D1.1 captioned etc.,"

"The purpose of this amendment is to provide a more accurate approximations of the equivalencies and dosages for certain controlled substances and to eliminate unnecessary references. The effective date of this amendment is November 1, 1989".

To eliminate disparity in sentencing Wet and Dry forms of the above mentioned Hallucinogens were added.

Pg. C. 77 (433)

131. "The commentary §2D1.1 captioned "Application Notes" is amended in Note 10 in the subdivision of the subdivision of the "Drug Equivalency Tables" captioned "LSD, PCP, and Other Schedule I and II Hallucinogens" by deleting;

1 gm. of Liquid Phencyclidine = 0.1 gm. of
Herion or P.C.P.

Pg. C 78 (434)

132. The commentary to §2D1.1 captioned "Application Notes" is amended in Note 10 in the "Drug Equivalency Tables" by inserting immediately following the captions "Cocaine and other Schedule I and I Stimulants", and "LSD, PCP, and other Hallucinogens" in each instance "(and their immediate precursors)".

The precursor chemical in "Special Alert §2D1.1(d) of 1991. (Rel-4Spec. Alert Pub. 471).

Chemical Quantity Table

Level 28 Listed precursor chemicals.

20 KG or more of Benzyl Cyanide;

200 G or more of D-Lysergic Acid;

The disparities are clear even to a lay person. The purist form of LSD carries a lesser sentence than a lower

level of the distribution chain.

Level 28 - Criminal Category I, 78 - 97 mos.

According to the Sentencing Commission, the LSD in an average dose weighs 0.05 mg; therefore 1 pure gram is capable of 20,000 doses.

133. The commentary to §2D1.1 captioned "Application Notes" is amended in Note 10 by deleting:

"The following dosage equivalents for certain common drugs are provided by the Drug Enforcement Administration to facilitate the application of §2D1.1 of the guidelines in cases where the number of doses, but not the weight of the controlled substances are known. The dosage equivalents provided in these tables reflect the amount of the pure drug contained in the average dose".

"DOSAGE EQUIVALENCY TABLE"

and inserting in lieu thereof:

"11. If the number of doses, pills, or capsules but not the weight of the controlled substance is known, multiply the number of doses, pills or capsules by the typical weight per dose to estimate the total weight of the controlled substance (e.g. 100 doses of Bufotenine at 1 mg. per dose = 100 mg. of Bufotenine). The Typical Weight Per Unit Table, prepared from information provided by the Drug Enforcement Administration, displays the typical weight per dose, pill, or capsule for common controlled substances.

It would be apparently clear, the way Congress intended to weigh LSD because of the various carriers, blotter paper, liquid, etc., at .05 mg./dose. The reason I came to this conclusion is Bufotenine is a Hallucinogen.

The purpose of Congress in creating the new Sentencing Guidelines was to eliminate disparities in the sentencing process. One may conclude from the sentences imposed by the judicial system that the guidelines have failed.

2.50, (76) November 1, 1990

"LSD, PCP and Other Schedule I and II Hallucinogens
(and their immediate precursors)"

1 gm of Bufotenine=	0.07 gm of Heroin or PCP
1 gm of D-Lysergic Acid Diethylaminde/Lysergide/LSD=	100 gm of Heroin or PCP

Etc....

- 1 gm of Mushrooms containing Psilocin and/or Psilocybin (dry) = 0.001 gm of Heroin or PCP
- 1 gm of Mushrooms containing Psilocin and/or Psilocybin (wet) = 0.0001 gm of Heroin or PCP
- 1 gm Peyote (dry) = 0.0005 gm of Heroin or PCP
- 1 gm Peyote (wet) = 0.00005 gm of Heroin or PCP
- 1 gm of Phencyclidine/PCP = 1 gm of Heroin
- 1 gm of Phencyclidine/Pure PCP = 10 gm of Heroin or PCP

The table indicates the wet and dry forms as well as pure and impure for the dosage equivalency table. Utilizing this chart for LSD sentencing purposes is preposterous because of the various carriers. The table makes sense for the immediate precursors.

The purpose of the New Guidelines is to eliminate Sentence disparities quoting from Chapman vs. US 114:..Ed. 2d. p533 Footnote '3.

2.53, (79) November 1, 1990

To estimate the total weight of the controlled substances (e.g. 100 doses of Mescaline at 500 mg. per does = 50 gms of Mescaline). The Typical Weight PerUnit Table prepared from information provided by the Drug Enforcement Adminstration, displays the typical weight per dose, pill or capsule for certain controlled substances. Do not use this table for any more reliable stimate of the total weight is available from case-specific information.

The commentary to 2D1.1 captioned etc.,

The purposes of this amendment are to provide more accurate approximations of the equivalincy and dosages for certain controlled substances and to eliminate unnecessary references. The effective date of this amendment is November 1, 1989.

This amendment clarified the two above mentioned Hallucinogens, Peyote and Psilocybe Mushrooms, by their wet and their dry weight, which are the carriers containing the Hallucinogens. This amendment excluded clarifying the carriers of L.S.D. It is clear that Congress had the intentions of clarifying the L.S.D., but didn't elaborate.

C. 77 [433]

131. "The Commentary §2D1.1 captioned "Application Notes" is amended in Note 10. in the subdivision of the "Drug Equivalency Tables" captioned LSD, PCP, and Other Schedule I and II Hallucinogens" by deleting:

" 1 gm of Liquid Phencyclidine = 0.1 gm of Herion or PCP"

C. 78 [434]

"132. The Commentary to 2D1.1 captioned Application Notes" is amended in Note 10. in the "Drug Equivalency Tables" by inserting immediately following the cations "Cocaine and Other Schedule I and II Stimulants" and "LSD, PCP, and Other Hallucinogens" in each instance "(and their immediate precursors)". The precursor chemical in Special Alert 2D1.1(d) Chemical Quantity Table of 1991 (Rel - 4 Spec. Alert Pub 471).

(1) Level 28

Listed Precursor Chemicals

20 KG or more of Benzyl Cyanide;

200 G or more of D - Tysergic Acid;

The disparities are clear even to a lay person. The purist form of LSD carries a lesser sentence than on a lower level of the distribution chain.

Level 28 - Criminal Catagory I 78 - 97 months.

"According to the sentencing Commission, the LSD in an average dose weighs 0.05 mg: therefore 20,000 pure doses in a gram.

"133. The Commentary to §2D1.1 captioned "Application Notes" is amended in Note 10 by deleting"

"The following dosage equivalents for certain drugs are provided by the Drug Enforcement Adminstration to facilitate the application of §2D1.1 of the guidelines in cases where the number of doses, but not the weight of the controlled substances are known. The dosage equivalents provided in these tables reflect the amount of the pure drug contained in an average dose.

"Dosage Equivalency Table"

And inserting in lieu thereof:

"11. If the number of doses, pills, or capsules but not the

weight of the controlled substance is known, multiply the number doses, pills, or capsules by the typical weight per dose to estimate the total weight of the controlled substance (eg., 100 doses of Bufotenine at 1 mg per dose = 100 mg of Bufotenine).

The Typical Weight Per Unit Table prepared from information provided by the Drug Enforcement Administration, displays the typical weight per dose, pill or capsule for common controlled substances".

It would be apparently clear, the way Congress intended to weigh LSD because of the various carriers, blotter paper, liquid, etc., at .05 mg 1 dose. The reason I came to this conclusion is Bufotenine is a Hallucinogen.

The purpose of Congress in creating the new sentencing guidelines was to eliminate disparities in the sentencing process. One may conclude from the sentences imposed by the Judicial System, that the guidelines have failed.

2.50 [76]

November 1, 1990.

"LSD, PCP, and Other Schedule I and II Hallucinogens (and their immediate precursors)"

- 1 gm of Bufotenine = 0.07 gm of Herion or PCP.
- 1 gm of D. Lysergic Acid Diethylamide/Lysergic/LSD = 100 gm of Herion or PCP, etc.,
- 1 gm of Mushrooms containing Psilocin and/or Psilocybin (dry) = 0.001 gm of Herion or PCP.
- 1 gm of Mushrooms containing Psilocin and/or Psilocybin (wet) = 0.0001 gm of Herion or PCP.
- 1 gm of Peyote (dry) = 0.0005 gm of Herion or PCP.
- 1 gm of Peyote (wet) = 0.00005 gm of Herion or PCP.
- 1 gm of Phencyclidine/PCP = 1 gm of Herion
- 1 gm of Phencyclidine (Pure PCP) = 10 gm of Herion or PCP., etc.

The table indicates the wet and the dry forms as well as the pure and the impure forms, for the dosage equivalency table utilizing this chart for L.S.D. sentencing purposes is purposeless, because of the various carriers. The table makes sense for the immediate precursor.

The purpose of the New Guideline is to eliminate Sentence Disparities quoting from Chapman vs. U.S. 114 L. Ed. 2d. p. 353 Footnote #3.

To estimate the total weight of the controlled substance (eg., 100 doses of Mescaline at 500 mg per dose = 50 gms of Mescaline). The Typical Weight Per Unit Table prepared from information provided by the Drug Enforcement Administration, displays the typical weight per dose, pill, or capsule for certain controlled substances. Do not use this table if any more reliable estimate of the total weight is available from case specific information.

TYPICAL WEIGHT PER UNIT (DOSE, PILL, OR CAPSULE) TABLE

Hallucinogens

LSD (lysergic Acid Diethylamide)*	.05 mg.
MDA*	100 mg.
Mescaline	500 mg.
PCP*	5 mg.
Peyote (dry)	5 gm.
Peyote (wet)	120 gm.
Psilocin*	10 mg.
Psilocybe Mushrooms (dry)	5 gm.
Psilocybe Mushrooms (wet)	50 gm.
Psilocybin*	10 mg.
2,5-Dimethoxy-4-Methylamphetamine (STP, DOM)*	3 mg.

*For controlled substances marked with an asterick, the weight per unit shown is the weight of the actual controlled substance and not generally the weight of the mixture or substance containing the controlled substance. Therefore, use of this table provides a very conservative estimate of the total weight.

Every indication has been made to weigh L.S.D. at .05 mg/dose. The disparities are significantly clear.

"Special Alert" of 1991 (Rel. 4 - Spec. Alert Pub. 471) Section 2D1.1(c) is amended in the note following subdivision (19) by inserting the following as the second paragraph.

"Ice; for the purposes of this guideline means a mixture or substance containing d-methamphetamine hydrochloride of at least 80% purity". Reason for amendment: The amendment implements the instruction to the Commission in Section 2601 of the Crime Control Act of 1990 (Public Law 101-647) in a form compatible with the structure of the guidelines.

Amendments are also made for the drug "Ice", making it comparable for sentencing purpose. To relieve disparities.

If the government weighed L.S.D. by the dose instead of the carrier the L.S.D. is placed on disparities would be eliminated.

9. Amendment: Chapter Two Part D, Subpart 1, is amended by inserting the following additional guidelines and accompanying commentary:

"§2D1.11. Unlawfully Distributing, Importing, Exporting, or Possessing a Listed Chemical.

- (a) Base Offense Level: The offense level from the Chemical Quantity Table set forth in subsection (d) below.
- (b) Specific Offense Characteristics
 - (1) If a dangerous weapon...
 - (2) If the defendant is convicted of violating 21 U.S.C. §§841 (d)(2), or 960 (d)(2), decrease by 3 levels, unless the defendant knew or believed that the listed chemical was to be used to manufacture a controlled substance unlawfully.
- (c) Cross Reference
 - (1) If the offense involved unlawfully manufacturing a controlled substance, apply §2D1.1 (Unlawfully Manufacturing, Importing, Exporting, Trafficking) or §2D1.4 Attempts and Conspiracies), as appropriate, if the resulting offense level is greater than determined above.
- (d) Chemical Quantity Table
 - (1) Level 28

Listed Precursor Chemicals

20 KG or more of Benzyl Cyanide;
200 G or more of D-Lysergic Acid;
etc...

(2) Level 26

Listed Precursor Chemicals

At least 6 KG but less than 20 KG of Benzyl Cyanide.

At least 60 G but less than 200 G of D-Lysergic Acid;

Thanking you for taking the time to investigate this matter and I am sure others before me have written and I am sure you will continue to receive mail regarding this matter.

I sincerely believe that there must be a serious change in relieving the disparity in sentencing in regards to the pure and the unpure Lysergic Acid Diethylamide and since you are in a position to help to bring about these changes, it is with fervent hope that you will soon effect such a change.

Very truly yours,

Marrie Rose Miller

MRM/cw
CC/file

U.S. Sentencing Comm.

To whom it may concern:

I received word yesterday that you are reviewing the guidelines March 2, 1992. I would like to say that having been effected by them (a person incarcerated) I think that that are totally unrealistic for first time offenders to have compound sentences that could be up to 30 years for 1 crime. But your guidelines are made so that the nonviolent crimes are as or almost as bad the ones that guns are involved.

Your prisons as far as I can see are not rehabilitative. In fact, I think it breeds more potential crime. I can speak from experience. I was married to a violent man who beat & raped me and has been charged included with 4 rape counts against my daughter. He is now a Federal prisoner for a drug charge had it

not been for the drug charge he would be on the streets terrorizing my family in person and but now since he is in prison he is trying to have (hire) me & my daughter killed and my other one kidnapped. (This has all been documented)

I think that too much has been done for these drug crimes ~~etc~~ with these huge sentences and not enough done for the violent crimes. Such as rape and assault and murder.

My suggestion is to have shorter sentences or ^{more} probation for 1st time offenders on nonviolent drug crimes (prison) and the money saved on these houses etc. have it or a portion spend on job training and counseling and make it mandatory, also drug testing.

I think there should be a change on the "war on drugs" and make it a "war on domestic violence or violence" and maybe there won't be as big a need for the drugs.

My name is Laura Baker
I am the exwife of Melvin Baker

I was also the informant of the largest drug bust in the Southern district of Ohio for the past ten years I have seen 5 men sentenced for this drug crime and the sentences I believe are unjust for 4 of them and especially 3 of them. I am also the victim of extreme violence and have 4 raped daughters and I am living in fear of my ex husband and am in hiding. It wasn't for the courage of Scott Brown 62438-061 I wouldn't or neither some of the members of my family be alive today. He was a part of the conspiracy (which was approx 4 years) part for approx 3 mos. in the growing of marijuana he was involved but ~~was~~ was going to get out before, but he saw the danger my family was in and stayed to help me get out. His sentence 36 months as ~~applied~~ compared to 3 years by another one involved for the 4 year period. I believe your guidelines are unfair and should be rewritten. From what I have seen from your system it is not working.

The guidelines are not working
and neither is your system. I
say it is your system until you
let us have a bigger voice and
we can make it work and be our
system.

Thank-you for your time,
Laura Baker
former resident of Ohio

I can be reached if necessary thru my
P.O. Box 165, Lancaster Ohio 43130

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,

Jorge Luis Castillo
2401 NW 33 ST
MIAMI Florida

BRAULIO Castillo
TOTAL OFFENSE LEVEL: 26
13 YEARS.

February 22, 1992

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

To Whom it might concern:

I am writing in hopes that while contemplating possible changes in sentencing policies you will take into consideration the cold hard truth regarding the Sentencing Reform Act of 1984, its lack of effectiveness and overall tragic effect.

Mandatory minimums, elimination of judicial discretion, and blind sighted political policies have created what has become nothing more than vindictive punishment, creating overwhelming burdens for our court system and prisons.

It is my hope you will approach this issue honestly and objectively. I would like to suggest the following compromises that might be considered to help alleviate the burdens and injustices created by the Reform Act.

- A. Eliminate Mandatory Minimums
- B. Return of judicial discretion; particularly in regards to first time non-violent offenders

- c. Give judges discretion in deciding offenders mitigating role. Allow judges to depart from guidelines where offenders role does not warrant statutory punishment
- d. Re creation of incentive good-time, re-instate extended good-time, (statutory) return to parole system.
- e. Alternative sentencing, most inmates in federal prison camps would be candidates for home detention (must be much more far reaching than judicial conference proposal)

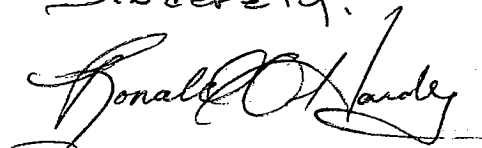
I am currently incarcerated at, Equia Federal Prison Camp, serving a 63 month sentence. Exercising my constitutional right of a jury trial I learned first hand the terrible imbalances and injustices of the Reform Act. My co-defendant who the government conceded in my P.S.I. (Pre-Sentencing Investigation) has had previous ventures into the importation and distribution of cocaine, played a more mitigating role, and made overt acts to further the offence, received a lesser sentence than I because he became a government witness. Making this situation more

Observe my PSI. Also stated that I did nothing outside the normal realm of my job activities and have had no history of any criminal activities. The "kingpin" or main player in this scenario is yet to be indicted.

It is time to take the blinders off. The Reform Act of 1984 is a disaster. While drugs do continue to be a problem, we must ~~deal~~ with this situation honestly, stop using it as a political ploy.

Albert Alschuler of the Univ. of Chicago Law School, said it best, "some things are worse than sentencing disparity, and we have found them".

Sincerely,


 Ronald O. Hardy

Dear Sir / madam

2-2692

I have read the new sentencing guidelines in the Federal Register. I understand that public comment is requested by March 2nd, 1992. Since these guidelines are affecting my life, my family and friends, your consideration to these comments are appreciated.

I am presently incarcerated at Alderson FPC, since February 12th, 92, with a sentence of eighteen months. I am twenty-two years of age. My family consists of Lily Chin (mom) and Lisa Chin (sister). My incarceration is costing American taxpayers about \$30,000 per year for housing and rehabilitation during my incarceration. As for me, this prison camp is definitely not rehabilitating me in any way, shape or form. I don't and never did have drug abuse or alcoholic problem. The educational courses offered here do not advance my study of Nursing. I have a HS diploma, and have completed more than one year of college. I'm well aware of my abilities.

The US prison system dehumanizes its victims, and I'm surely one of them. I'm accepting my punishment because I had to. Here, mental unrest and loneliness are acceptable, dreams are not. I am merely a number in the system, punished and used as your system demands. I have to resign to the fact that I no longer control my life. Prison leaves a deep mark on one's personality.

Your commission has totally ignored sociological, and criminology studies, as well as history, when you impose sentences. Further crimes or drug use has decreased. Therefore, the reasoning for long harsh sentences is invalid because they do not accomplish, what is purposely intended.

Why hasn't the policy 5050.41 been used, which considers age, illness, dependants, and first time offenders. My family and I are fighting for justice based on the concept of fairness.

Respectfully,

Lily Chin



AMERICAN FARM BUREAU FEDERATION

225 TOUHY AVENUE • PARK RIDGE • ILLINOIS • 60068 • (312) 399-5700 • FAX (312) 399-5396
600 MARYLAND AVENUE S.W. • SUITE 800 • WASHINGTON, D.C. • 20024 • (202) 484-3600 • FAX (202) 484-3604

#30

February 28, 1992

United States Sentencing Commission

Attn: Guideline Comment

1331 Pennsylvania Avenue, N.W., Suite 1400
Washington, D.C. 20004

Dear Sir/Madam:

The American Farm Bureau Federation (AFBF) is the largest voluntary general farm organization in the United States, representing the interests of nearly four million member families. Our purpose is to promote, protect and represent the interests of farmers and ranchers across the United States. AFBF has member state Farm Bureaus in every state and Puerto Rico.

Our purpose in submitting comments is to point out a mistake in the revision to Section 2Q2.1 entitled "Specially Protected Fish, Wildlife and Plants; Smuggling and Otherwise Unlawfully Dealing in Fish, Wildlife and Plants." The example in paragraph 1 under "Application Notes" of "for pecuniary gain" cites "when a farmer destroys migratory birds to prevent their consumption of cereal grains." We submit that this is not the type of activity referred to in the guidelines and unfairly establishes a criminal burden on farmers and ranchers who protect their crops in good faith. Further, the reach of this provision will likely include and render as criminal activities that are established agricultural practices and methods of crop protection, which, by extreme liberal definition, could be interpreted as threatening or destructive of wildlife.

The section is really aimed at trafficking in parts of endangered and threatened species, and we submit that it is that activity that should be included as the example. The migratory bird example does not fit the section because they are not endangered or threatened species, nor are they marine mammals that are listed as "depleted." Furthermore, the application of "for pecuniary gain" to a farmer trying to make an honest living is inappropriate and offensive to our members. Such an interpretation stretches the term to unacceptable limits, and would encompass any activity done in furtherance of a lawful business.

The federal Animal Damage Control Act (7 U.S.C. 426) provides for the control of depredating animal pests. The Animal Damage Control program within the U.S. Department of Agriculture carries out actions required to control such pests, including actions to control depredating bird species. Not only are such activities lawful, but they are required by law.

We therefore request that you strike the example set forth in Section 2Q2.1 because it is inapplicable and inaccurate, and further that it not be included by definition or otherwise as an element of criminal activity. Thank you for your attention to our request.

Sincerely,

John C. Datt
Executive Director
Washington Office

Senator Patrick J. Leahy
U S Sentencing Commission
1331 Pennsylvania Avenue
Suite 1400
Washington, DC 20004

Dear Senator Leahy:

4-10-92

I am concerned about the extreme costs the Federal Sentencing guidelines, enacted in 1987, are placing on society and we, the taxpayer.. I am also aware of the ongoing debate among the legal community of the efficacy and basic justice of mandatory minimum sentencing. The failures of these guidelines are exasperated when they are applied to non-violent drug crimes. Since the enactment of the new sentencing guidelines, the prison population has soared. Over 50% of those now in prison are non-violent drug offenders

Under the Federal guidelines for sentencing, harsh and expensive sentences are handed out to even low level participants. Culpability does not play a role; Federal Judges are bound by the sentencing graphs of the new guidelines and cannot take into consideration who the defendant is -his/her good side, work record or family background

Despite the non-violent status, parole and rehabilitation are not part of the new guidelines. Productive citizens are taken out of the workforce for years. These long sentences are more than punishing the offenders, they are taking away their whole lives. It is inhumane and leaves the added problem of how to incorporate these men and women who are literally lost in time, back into a world they no longer know. After 10, 15 or 20 year sentences which are so common to even peripheral offenders of the new drug laws, families are lost, the offenders come out to the harsh life of the indigent. They will need special training and financial assistance if they are just to survive and not to return to crime. This, in turn, places even more burden upon the taxpayer. Many of these offenders are capable of leading productive lives should they not be forced to serve even longer sentences than violent criminals. Drug related sentencing is disproportionate to the severity of the crime which is, in itself, a crime.

The current "War On Drugs" is not working - statistics have proven this to be so. If anything, it has just put more profit into the illicit drug trade due to the fact that, in most cases, the "little" person serves the time leaving the drug lords free to ply their trade. Most "little" people, especially if well educated with the added plus of family support, learn their lesson well and do not return to crime. Instead of a war on non-violent drug offenders, let's initiate a war on violence; a war on crimes against person and property. Let the aggressive,

violent offenders be the ones who serve the long sentences. Let those involved non-violently be re-entered into the workforce and given home confinement thus saving the American taxpayer billions of dollars and reserve the prison cells for those who are violent offenders against society, i.e. child/adult rapists, armed robbers, murderers, etc. With the 1987 guidelines in place, this cannot occur. Please assist in the effort to repeal them and allow our Federal Judges to judge the offenders, set the sentences and decide upon the culpability of the defendant.

Sincerely,

Sylvia F. Russome
Sylvia F. Russome

2068 Tate Rd.

Rice, WA 99167

U.S. Sentencing Commission
1331 Pennsylvania Ave, NW Suite 1400
Washington, D.C. 20004
Attention: Guideline Comment
March 6, 1992

Attention: Communication Director
Attention: Guideline Comment

I have read the new Sentencing Guidelines in the Federal Register. I wish to make the following comments:

My son was arrested on June 26, 1989. His offence is an one count indictment, 21 U.S.C. 841 (A)(1) + 846; Conspiracy To manufacture more than 1000 marijuana plants. There were no guns, no violence, he has no criminal history nor is he a resistance felon. Yet as a first time offender he is serving a minimum mandatory sentence of no less than 10 years, and no more than life.

My son broke the law, this is true, and I'd be the first to say restitution is in order. Not 10 years of his or any first time offenders life.

I believe innovative sentencing practices should be the first step. Sentences should be lowered to 3-5 years unless guns or violence are involved. All of these first time offenders need and are asking for a second chance, to start a straight life. The longer we keep them incarcerated, the less they have

To give back To The Community, family and most of All Themselves, Help them help themselves and The Taxpayer. Most want To live and would strive To make our community a better place. WE CANNOT afford to wait.

Our Prison system overflows with 1.1 million inmates. At \$20,000 an inmate how long can The Taxpayer keep the pace without rebelling.

WERE my son released Today, he'd have a family that loves and would support him and help him stay on the right track.

Thank you,
Ann Mattingly

Rebly requested

U.S. Sentencing Commission
1331 Pennsylvania Ave. N.W. Suite 1400
Washington D.C. 20004
Attention Guideline Comment
March 6, 1992

Attention Communication Director
Attention Guideline Comment

I have read the new sentencing guidelines in the federal register.

I wish to make the following comments.

My son was arrested on June 26, 1989.
His offence is a one count indictment, 21 U.S.C.
841 (A) (I) + 846: conspiracy to manufacture more
than 1000 marijuana plants. There were no
guns no Violence he has no criminal
history nor is he a persistence felon, yet
as a first time offender he is serving
a minimum mandatory sentence of no
less than 10 years and no more than life
with no possibilities of parole. I believe
innovative sentencing practices should be
the first step. Sentences should be lowered
to 3 to 5 years for first time offenders
unless guns or ~~sub~~ violence are involved.

According to the F.A.M. (Families Against mandatory sentences) + what I have read in the news papers + seen on T.V. the average murder gets 7 years + average rapist gets 6 years + and a man charged with marijuana gets 10 years to life as a First time offender.

I think this is ~~totally~~ totally unjust to my son + to a lot of other men. My son is no Murder + my son is no Rapist and has no violent history. I ask you people on the Guideline Commission to really think about this subject + see if you can come up with something a little more ~~fair~~ just + humane for my son. Don't get me wrong please I am against drugs as much as everyone else I know my son done wrong and needs to be punished but not for 10 years of his young life.

Thank You
Joseph David Matting S.K.

Reply Requested Please

Please -
ask Congress to repeal
mandatory minimum sentences!

"Penalties for possession of a drug
should not be more damaging to an
individual than use of the drug itself."
- President Jimmy Carter -

As an inmate who is looking at
11+ years guidelines, for "intent" to
commit an offense whose terms were
not legally defined until end of trial,
I am outraged.

'P.R.' I will certainly put forth this
on behalf of the government!
What a waste!!!

"Legal-Lies,"

Karl Holstatter
P.O. Box 2308
Mount Clemens
Michigan, 48043

March 13, 1992

U.S. Sentencing Commission
1331 Pennsylvania Ave
Washington, D.C. NW # 1400

Gentlemen:

After reading the JAMM-gram
for January/February, we are
imploping you to ask Congress to
repeal the mandatory-minimum
sentencing.

My son has just been sentenced
unjustly to a 5 year term under
the mandatory minimum
sentencing law.

Thank you very much.

Sincerely
Mr + Mrs Albert S. Hertz

March, 12, 1992

U.S. Sentencing Commission;

I am writing to you
suggesting and appealing to
you, that you ask Congress
to repeal mandatory minimum
sentences, they are so very
unjust.

Many of these are one
time, non violent offenders,
there is no rehabilitation
in prison, just corruption.

Mercy should be tendered
with justice, according to
God's word.

There are many who
receive lighter sentences for
rape, murder & child molesting,
than drugs, and they are
paroled in very short time,
this certainly makes no sense
to me.

2
1

I received information
on your commission from
FAMM

My heart breaks every day
for my son, he is a
human being and not
an animal, he is also
a kind, hard working
and loving person. I
pray every day the Lord
will watch over him and
bring him home safe and
the same. I am 67 years
old and need him.

Please do what you can
to have Congress repeal this
unfair sentencing. I know
I speak for many.

I thank you.

Sincerely,
Vecla Gustafson

3-10-92

Communication Director
Guideline Comment

To Whom It May Concern,
Dear Sirs:

I am concerned after reading the new sentencing guidelines in the federal register wherein public comment is requested. I have a nephew serving ten years for the growing of marijuana plants, which I agreed he was guilty of and deserved some punishment. Seemingly ten years is a strong punishment when even worse crimes are available for probation when cases are reviewed.

Hopefully you will look at these guidelines and help to amend them some -

Sincerely in appreciation,
Sarah Mattingly
122 High St
Lebanon, Ky 40033

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

Mr. Courlander:

I would like to comment on the federal sentencing guidelines for first time drug offenders. In a simple sentence, they are too harsh.

As I read the newspapers each day, I find numerous articles mentioning the USA as the number one nation in prison population. In other countries, people are imprisoned for "crimes against the country". The USA has the distinction of number one prison population due to overly harsh drug laws.

I personally am aghast at such a USA number one in the world title, especially since people caught in the "Drug War" propaganda are usually not dangerous criminals but people in the wrong place at a wrong time.

I do agree that criminals with a long record in drugs and crimes need to be separated from the general population, but first time offenders should have another chance.

The answer to the nation's problem of illicit drug use is not to build prisons to put everyone in that is accused of dealing in drugs. The answer is trying to educate people about the dangers of drugs. The education process would be a good rehabilitation for first time offenders. Sentencing should be time spent going to schools talking about the dangers of illicit drugs.

Improvement will not be seen if all first time offenders are warehoused in prisons for years and years. This way of dealing with a problem will just perpetuate this dilemma since it is a known fact that prisons do little if anything to help prisoners.

According to my congressman, Hal Rogers, the sentencing guidelines are to be reviewed by you in early 1992. I hope your review will recommend leniency for first time offenders such as little or no prison time and allow already incarcerated first time offenders a chance to be paroled.

Sincerely:

Corbin Gregory
HC 74 Box 84
Coopersville, Ky. 42611
A Concerned Citizen

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

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Sincerely:

Geniata M. Foster

A Concerned Citizen



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

March 16, 1992

U.S. Sentencing Commission
1331 Pennsylvania Avenue, N.W. 1480
Washington, DC 20004

Attention: Guideline Comment

Dear Members:

I am writing to ask that you give favorable consideration to the recommendations to the Judicial Conference particularly as they relate to non-violent first offenders.

It is insane social policy to destroy families by imposing totally disproportionate penalties when often the crime is a transgression of a new or obscure rule or regulation.

Further, acceptance of responsibility should be worth more than a two level adjustment, since that at least is fact, while much of the enhancements are far greater and are predicated on conjecture, government manipulation or the visibility of the case.

Probation for first time non-violent offenders with non likelihood to repeat the offense is a waste of resources and a detriment to any likelihood of returning to a useful role in society.

Finally, costs of incarceration further contribute to destruction of families and the punishment of completely innocent members. Please carefully consider the results of guidelines as they are written and adopt the recommendations of the Judiciary Conference.

Sincerely yours,

Kathleen S. Connell

Paid for by Friends of Kathleen Connell

Dolores Anna Strazicich

P.O. Box 85210 - SEATTLE, WASHINGTON 98145 - (206) 526-2660

April 11, 1992

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

Dear Sirs:

I am writing as a taxpayer who feels overwhelmed by the "prisoning" of America.

When you remove the rights of Judges to do their "job," and give them mandatory sentencing, you take away the practice of an honorable profession.

I understand the reasons for clamping down. However, we cannot allow a police state to replace the freedom of our lawmakers to use intelligence and compassion.

I, personally, do not believe the "current" war on drugs is making this country a "kinder and gentler" nation. And, I do not support mandatory sentencing.

Thank You,
Dolores Strazicich

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

April 8, 1992

Gentlemen:

The reason for this letter is to state my objection to the use of the current Federal sentencing guidelines against first time, non-violent offenders. It is neither reasonable nor beneficial to dole out these exorbitant sentences to non-violent first time offenders.

Alternatives 'must' be considered to assist rehabilitation and alleviate the tax burden. The percentage of time served on any given sentence must be lowered with programs implemented which allow offenders a chance for more good time, or parole. Prisoners have 'no' incentive to improve themselves under the current $87\frac{1}{2}\%$ system.

The federal guidelines will only hinder and haunt society in the long run. Our country incarcerates more people per capita than any other Nation in the world and it has not served its intended purpose of deterring crime one iota. Other alternatives must be employed to achieve this end. It is time to change the current system of sentencing.

Sincerely,



Ron Swanson
1704 Centerville Road
Rockford, Illinois
61102

LYN B. EHRNSTEIN
257 North Wetherly Drive
Beverly Hills, CA 90211
(310) 275 3730

April 14, 1992

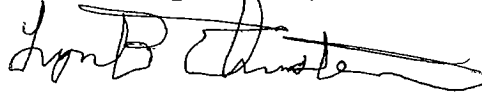
William Wilkens, Jr., Chairman
U.S. Sentencing Commission
133 Pennsylvania Ave. NW, Suite 1400
Washington, D.C. 20004

Dear Sir,

The three adults in my household request that the drug law be amended to exclude the carrier weight in LSD cases, that this be "grandfathered", that parole be reinstated, and that Judges be given sentencing flexibility.

In our view sentencing without these adjustments is a horror story that damages not only the people involved but our society.

Sincerely Yours,

A handwritten signature in dark ink, appearing to read 'Lyn B. Ehrnstein', with a long, sweeping horizontal stroke extending to the right.

Lyn B. Ehrnstein

Members of the Sentencing Commission 3/25/92

Please ask congress and committee
members to seriously review
and repeal the mandatory
minimum sentences! We cannot
continue to incarcerate all these young
drug offenders who need education
& drug prevention! Not prison. What is
happening to the US? Carol Hardy
278 Court St
Portsmouth, NH.

To whom it may concern.

It is my belief that there is a serious problem with our government and judicial system.

Why on earth would anyone wish to put so many people in jail for not bringing harm to anyone. Its disgusting and unjust.

According to the 8th amendment, the United States judicial system is not to administer "Cruel and unusual punishment".

So much for our Rights!

How anyone involved ~~in~~ in bringing this about can call themselves americans is beyond me!

I do for one love my country, but I sure as hell can't trust the government.

Michael E. Huff

To Whom It May Concern;
Re: Mandatory Minimum Sentencing on Federal Crimes

Mandatory minimum sentences were designed both to act as a deterrent to potential criminal acts, and to send a message to those who get caught. It doesn't seem to be working. Perhaps this may be an issue which should be reconsidered.

Indeed, the numbers of inmates in the federal prison systems is soaring, according to U.S. Bureau of prison statistics.

In 1983, the federal prison system held 28,000 inmates, 27% of whom were convicted drug offenders. By 1988 the numbers had grown to 44,000 (44.8% drug cases) today it is 64,700 (56% drug cases) and by 1995 the number will top 100,000 (70% drug cases).

Alternatives to incarceration may be necessary because of limited prison space due to a 600% increase in the number of drug offenders in prison since 1980.

The drug control strategy is full of advice for state legislators. As you can tell, the 1992 Drug Control Strategy offers no fresh ideas on how to solve the drug abuse problem in the country. Promoting punishment as the solution to a complex economic and social problem, I feel is merely a vote getting tactic for this election year.

The \$12.72 billion the white house has requested for drug programs is still to be divided the same ratio of 70% law enforcement and interdiction, and 30% for treatment and prevention.

We must find a way to turn this ratio around. Treatment & Prevention first.

Sincerely concerned citizen,

Larry R Trujillo
7220 Central Ave S.E.
Alb. N Mex 87108

April 23, 1992

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

Dear Sirs:

I am writing in regards to the current sentencing laws pertaining to first time offenders of drug related cases.

First, I would like to state that I am in no way minimizing our current anti-drug laws. I am a firm believer of our justice system and its laws and do not condone anyone that engages in illegal activity in any form. I do, however, believe that the punishment should fit the crime.

For the past three years I have been corresponding with a friend and inmate, Jeff Mattingly, FCI, Box 1000, Morgantown, West Virginia 26507, Carlson Unit 01865-025. He is presently serving a ten year sentence, without parole, for a first time offence indictment, 21 U.S.C. 841 (a) (1) and 846 conspiracy to manufacture more than 1000 marijuana plants. No violence, guns, criminal history of violence or persistent felon were involved with this indictment.

I have personally known Jeff for approximately ten years and my husband has known him since childhood. He was raised in a Christian environment by a loving and supportive family. He had all the hopes and desires for a long and bright future. He was a very stable, hard working man and a loving and attentive father. Along this path Jeff, like many others, fell in the 'get-quick-rich' plan and now is paying the price for this costly mistake. No one realizes this mistake more than Jeff.

Through many letters and visits, I have gotten to know Jeff very well over the past three years. I have seen him develop into a strong Christian with deep convictions and sorry from deeds of his past. The bond and love he has for his nine year old son and family grows deeper each day. I see a man agonizing over the thought of not being there for his growing son. I also see a son that is in desperate need of a father's guidance.

I must admit, this is the first letter I have ever written to any congressman or official concerning any bill or legislation. I do feel strongly about this issue and feel that in some cases the law needs some revision.

I do hope that some consideration will be given to these first time offenders when the United States Sentencing Commission convenes for review of these guidelines.

Thank-you for your time and consideration on this matter.

Respectfully,

A handwritten signature in cursive script, reading "Anna Fay Rakes". The signature is fluid and elegant, with the first letters of each name being capitalized and prominent.

Anna Fay Rakes
P.O. Box 575
Lebanon, Kentucky 40033

4-3-92

Dear Sirs

I'm writing about mandatory
Fed. Sentencing Guidelines:

I have a son, who is serving
his time and was sentenced by
the new guidelines, he got 8 years.
It was his 1st offense and non
violent person. I and others felt
it was very unfair - because
he has to serve full 8 yrs. no
good time off -

We feel the guidelines should
be reconsidered for 1st & non violent
offenders.

Thank you for the
opportunity to express our
opinion at this time

Naomi Fitchner

Box 1332

Seneca, NY 13702