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January 6, 1994

United States Sentencing Commission
One Columbus Circle NE
Suite 2-500 South Lobby
Washington, D.C. 20002-8002

Attention: Public Information

Re: Comment on Proposed Amendments to Sentencing
Guidelines

Dear Commissioners:

I write to express my views on several proposed amendments to the guidelines.

I favor proposed Amendment 8(A), keying the mandatory minimum levels in the Drug Quantity Table to levels 30 and 24, and proposed Amendment 33(A) to modify the provisions in section 2D1.1 that distinguish between cocaine and crack cocaine at the ratio of 100-to-1.

As a criminal defense lawyer, I have seen how disproportionately harsh the current provisions are. In particular, I have seen that the 100-to-1 ratio means that black people do more time than white people, since most crack dealers are black.

I also support proposed Amendment 17(A), clarifying the operation of section 1B1.3 concerning conspirator liability. I have two clients who are serving sentences of about eighteen years each because they were found to be minor players in large drug conspiracies. Any step to see that

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offenders are punished according to their own particular
culpability is a step in the right direction.

Thank you for your attention.

Yours truly,

A handwritten signature in cursive script, appearing to read "David S. Marshall". The signature is written in dark ink and is positioned above the printed name.

DAVID S. MARSHALL

DSM;sd