

Honorable Chairman & Members
United States Sentencing Commission
Room 2-500 Federal Judiciary Building
One Columbus Circle, N.E.
Washington, D.C. 20002-8002

Date 2-14-94

Re; Proposed Sentencing Guideline Changes for effective date of
November 01, 1994: Public Commentary on Retroactivity,
Title 28 U.S.C. Section 994(0), 994 (s)(1)(2)(3):

Dear Mr. Chairman & Members:

The proposed amendments to the U.S. Sentencing Guidelines as reported in
The Criminal Law Reporter 54 CrL 2023-2046, Section 2, December 22, 1993
have been reviewed and I am submitting my public comments for the
consideration of the U.S. Sentencing Commission on the issue of whether
or not these proposed amendments should be applied retroactively.

The amendments to Chapter Two, Part D (Offenses involving Drugs) and
Chapter Three, Part B (Role in the Offense) demonstrates this Commission
has recognized the harshness of the severity of sentencing under the
U.S. Sentencing Guidelines. While the Commission has reduced some of the
severity my position is that a further step should be taken to ensure
that disparity of sentencing does not occur.

Secondly, each of these amendments should be applied retro-
actively to currently incarcerated inmates through U.S.S.G. 1B1.10(d).

Thirdly, the mechanism of a motion under Title 18 U.S.C. 3582 should be
allowed as is being utilized in cases of the amendment regarding LSD.

I would also comment to this Commission that the 100-1 ratio from Cocaine
base to Powdered Cocaine is unreasonable, unworkable and class based
discrimination against minorities and the poor. Cocaine base and Powdered
cocaine should be addressed at the level in which powdered Cocaine is
currently being applied. The mitigating factors of 3B1.2(a)(b) should be
used and applied.

Lastly, prison space is a expensive proposition. The cost of building of
a prison is merely a downpayment of my tax dollars. It still requires \$12-
14 Million dollars per year thereafter construction is over to operate the
facility. I do not want my tax dollars directed to locking up the non-vio-
lent, first time offender. I want that money being directly applied toward
housing the violent offenders in the CURRENT existing space of the non-vio-
lent, first time and offenders are currently housed.

The Bureau of Justice Statistics currently has a excellent summary and
study on Fine based incarceration and how well it works in the State Courts
and I see no reason (as fine based sentencing has not been tried on the
Federal Level) why the federal level cannot take advantage especially
given the expediture of public monies for this study and the public
deserves the benefits of the monies expended in this area and fine based
sentencing being actually tried on the federal level and upon a large
scale with non-violent, first time offenders.

I will appreciate acknowledgement of my submission for public commentary¹
on the U.S. Sentencing Guidelines proposed amendments for enactment after
November 1, 1994. I will also appreciate the numbers on submissions for
and against retroactivity of these proposals.

Sincerely Yours,

Helen Shipman

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Marshall, Ia 525670

1/ I back this commentary with my vote at the ballot box.

Cc; Congressional Black Caucus
344 House Annex 2
Washington, D.C. 20515-6805

Democratic Caucus
House Annex 1
Washington, D.C. 20515-6524

Congressional Hispanic Caucus
557 House Annex 2
Washington, D.C. 20515-6526

Republican Committee on Committees
U.S. Capital Bldg. Room H-230
Washington, D.C. 20515-6543