



CHAIR

Hon. Irene M. Keeley
500 W. Pike Street
P.O. Box 2808
Clarksburg, WV 26302-2808
Phone: (304) 624-5850
Fax: (304) 622-1928
E-mail: Judge_Keeley@wvnd.uscourts.gov

CHAIR-ELECT

Hon. Andre M. Davis
U.S. Courthouse
101 W. Lombard Street
Baltimore, MD 21201-2601
Phone: (410) 962-0801
Fax: (410) 962-0820
E-mail: judge_andre_davis@
mdd.uscourts.gov

VICE-CHAIR

Hon. Mary Ann Vial Lemmon
500 Camp Street
Room C-408
New Orleans, LA 70130-3313
Phone: (504) 589-7565
Fax: (504) 589-2239
E-mail: lemmon@laoed.uscourts.gov

SECRETARY

Hon. Robert B. Collings
U.S. Courthouse
1 Courthouse Way, Suite 6420
Boston, MA 02210
Phone: (617) 748-9228
Fax: (617) 204-5816
E-mail: Honorable_Robert_Collings@
mad.uscourts.gov

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Judicial Division

National Conference of Federal Trial Judges

541 North Fairbanks Court, 13.2

Chicago, IL 60611-3314

Phone: (312) 988-5689

Fax: (312) 988-5709

Therese Curro, Conference Administrator

E-mail: currot@staff.abanet.org

July 31, 2003

VIA FACSIMILE

Honorable Diane E. Murphy
Chair

United States Sentencing Commission

One Columbus Circuit, NE,

Suite 2-500, South Lobby

Washington, DC 20002-8002

Re: Comments of the National Conference of Federal
Trial Judges of the American Bar Association

Dear Judge Murphy:

In response to the request of the United States Sentencing Commission for public comment regarding the implementation of Section 401(m) of the PROTECT Act, the National Conference of Federal Trial Judges of the American Bar Association submits the following:

Appropriate sentences must be fashioned on a case-by-case basis under the comprehensive plan and purpose of the Sentencing Guidelines. To safeguard a fair and just federal sentencing system, the National Conference of Federal Trial Judges of the American Bar Association supports S.1086 and H.R. 2213 and urges repeal of section 401(m) of the PROTECT Act, which fundamentally altered that sentencing system. Moreover, before any further amendments to the Guidelines, particularly to Chapter 5, occur, the Conference urges the United States Sentencing Commission to request that Congress hold hearings on S. 1086 and H.R. 2213, gather accurate information about the actual incidence of downward departures from the Sentencing Guidelines by federal courts, and obtain testimony from affected entities such as the Judicial Conference of the United States and the United States Sentencing Commission.

JUDICIAL
DIVISION

National Conference of Federal Trial Judges
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[36]



Honorable Diane E. Murphy
Chair, United States Sentencing Commission
July 31, 2003
Page 2

We appreciate the opportunity to provide these
comments.

Very truly yours,

A handwritten signature in cursive script that reads "Irene M. Keeley". The signature is written in dark ink and is positioned above the printed name and title.

IRENE M. KEELEY
Chair, ABA National Conference
Of Federal Trial Judges

IMK/esj