

*Approved
April 15*

Commission Meeting - April 15, 1986

Chairman Wilkins called the meeting to order. He discussed the procedure for the Commission's first public hearing (scheduled for 10:00 a.m. that morning). The Chairman said he would make a brief opening statement and closing remarks, and invited any interested Commissioner to make additional closing remarks. Chairman Wilkins said that due to time constraints, not every Commissioner would be able to ask every speaker a question, but advised that all Commissioners should feel free to ask pertinent questions. He suggested not interrupting a witness until their original testimony was completed.

Chairman Wilkins asked for further suggestions on procedure for the public hearing. He suggested the Commissioners arrive at the hearing room a few minutes before the scheduled time to greet and familiarize themselves with the speakers and attendants. Judge MacKinnon asked if the speakers were organized among themselves in any way. Chairman Wilkins responded that the speakers represented a wide variety of groups and that, to his knowledge, were not organized among themselves. Chairman Wilkins reiterated that the Commissioners may gain further knowledge and understanding by speaking with the various representatives during the scheduled break and after the hearing.

Commissioner Nagel asked if the Chairman expected visitors other than those scheduled to testify. Chairman Wilkins answered that a number of Department of Justice officials and House and Senate staff members had been invited, but he did not have a list

of those who were attending. Commissioner Corrothers suggested having a sign-in book in order to obtain a permanent record of people who had attended the hearing. Judge MacKinnon thought it unnecessary to sign people in, better to simply make a note of who had attended. Commissioner Corrothers suggested that at future public hearings and important Commission meetings, it may be useful to have a list of attendees. The Chairman thought obtaining names and affiliations would be a good idea.

The Chairman said that each public hearing takes between five and six weeks to plan and receive responses. He thought it was not too early to begin planning the second and third hearings. The Chairman thought it was a good time to discuss topics. He hopes to have hearings the latter part of May, the beginning of June, and some time in August. After the hearings, he hoped to begin getting public responses to the Commission's preliminary draft guidelines. He suggested the next public hearing address the topic of offender characteristics, focusing particularly on the treatment of prior record. He proposed the next scheduled hearings be held to discuss sentencing options, including fines and plea bargaining. The Chairman asked for comments.

Commissioner Nagel requested that, prior to mailing hearing materials to the public, the materials be circulated to the Commissioners. Chairman Wilkins agreed that circulation was a good idea. Commissioner Nagel suggested it would be wise to have a consensus on what the Commissioners wanted to gain from each hearing. The Chairman agreed, but added that this process must

be done quickly. He then asked for comments about the order of the hearings. Judge MacKinnon suggested changing the phrase 'Plea Bargaining' to 'Plea Negotiation'. All Commissioners agreed. Commissioner Gainer suggested obtaining only written testimony from the public unless they truly wanted to make the trip to Washington or at least assure groups that their testimony will be fully considered even if they unable to testify orally. Judge Breyer thought most groups were skeptical that their testimony will be read and considered unless they appear in person to testify. He thought assurance to these groups that all written testimony would be read by Commissioners was in order.

Chairman Wilkins said if there were no objections, a communication on offender characteristics would be drafted and preliminary thinking on sentencing options would begin. Commissioner Baer asked if it were necessary to have the sentencing options hearing so early. Chairman Wilkins thought perhaps a different topic could be moved up. Judge Breyer suggested talking with Commissioners informally to get an idea of which order would be best.

The meeting was adjourned.