

THE UNITED STATES SENTENCING COMMISSION

1331 PENNSYLVANIA AVENUE, NW

SUITE 1400

WASHINGTON, D.C. 20004

(202) 662-8800

---

Sam W. Wilkins, Jr. Chairman  
Michael K. Block  
Stephen G. Breyer  
Helen G. Corrothers  
George E. MacKinnon  
Ilene H. Nagel  
Paul H. Robinson  
Benjamin F. Baer (ex officio)  
Ronald L. Gainer (ex officio)



COMMISSION MEETING

AGENDA

APRIL 28, 1987

The following persons attended the U.S. Sentencing Commission Meeting on April 28, 1987.

COMMISSIONERS

William W. Wilkins, Jr., Chairman  
Michael Block  
Stephen G. Breyer  
Helen G. Corrothers  
Ronald L. Gainer  
George E. MacKinnon  
Ilene H. Nagel  
Paul H. Robinson

Staff

Suzanne Conlon, Executive Director  
Alan Chaset  
Peter Hoffman  
David Lombardero  
William Rhodes  
John Steer  
Sharon Turner  
Camille Williams

Guest

Mr. Roger Pauley, Criminal Division  
Department of Justice

not listed, using the same proportions as the quantities and offense levels applicable to marijuana. Commissioner Block seconded. The motion passed by a vote of 6-0. (Commissioner Robinson abstained).

Judge Breyer moved that the Commission authorize the staff to make conforming, technical, numerical, and similar changes within the statutory index so that the context of the guidelines would reflect the correct statutes. Judge MacKinnon seconded. The motion passed by a vote of 6-0. (Commissioner Robinson abstained).

Commissioner Gainer discussed concerns of the Department of Justice regarding the requested stay of implementation and fine collection procedures.

Other Commissioners expressed their views about the workability of the guidelines and generally agreed that the Commission would not, at this time, take further action for a stay of implementation. Rather, the Commission will await Congressional response to the guidelines and suggestions put forward in the April 13 transmittal letter.

Judge Wilkins noted a request by Commissioner Corrothers to point out the change made in the original provision numbered §D314, currently §5H1.4. The first sentence of the second paragraph of the above cited section was changed from "Drug dependence or alcohol abuse is not a reason for imposing a sentence outside the guidelines" to "Drug dependence or alcohol abuse is not a reason for imposing a sentence below the guidelines." Commissioner Corrothers advised the Commission that this "major change" was made in the guidelines since the last Commission meeting on April 10, 1987 and it is appropriate to note the change at today's meeting because it is the first Commission meeting subsequent to the change. The Commission discussed this proposed change.

Judge MacKinnon moved that the Commission confirm the guidelines with respect to the provision that, "Drug abuse may not be a basis for a departure below the guidelines," as it reads in the draft that went to Congress on April 13, 1987. Commissioner Nagel seconded. The motion passed by a vote of 5-1. Commissioner Corrothers voted no, and Commissioner Robinson abstained.

Judge Wilkins requested that the Commission meet in executive session to discuss personnel matters. The staff was excused.