

Minutes of the June 12, 1990 United States Sentencing Commission
Business Meeting

The meeting was called to order at 9:17 A.M. by Chairman William W. Wilkins, Jr.

The meeting was held in the library of the U.S. Sentencing Commission. The following Commissioners, staff, and guests participated:

William W. Wilkins, Jr., Chairman
Helen G. Corrothers, Commissioner
George E. MacKinnon, Commissioner
Ilene H. Nagel, Commissioner
Paul L. Maloney, Ex Officio Member
Phyllis Newton, Staff Director
John R. Steer, General Counsel
Joel Garner, Research Director
Sharon Henegan, Director of Training and Technical Assistance
Paul Martin, Communications Director
Paul Borman, Representative, Federal Public Defenders

Chairman Wilkins introduced several new employees: Nancy Gibson, Office Manager on the Administration Staff; Kathy Bryant, Assistant Network Administrator; Charles McDanal, Research Assistant; Gail Lowke, Research Assistant; Jennifer Richter and Philip Lau, Summer Law Clerks. Commissioner Corrothers introduced Patrick Smith, who is assisting her with the Alternatives Project.

Chairman Wilkins recognized Gail Conner, Janice Lowenberg, Barbara Roembke, and Leonard Barnes, probation officers currently on detail to the Commission.

Commissioner MacKinnon moved to approve the minutes of the May 4, 1990, Commission meeting; seconded by Commissioner Corrothers. Passed unanimously.

Chairman Wilkins, Commissioner Corrothers, and Commissioner Nagel commended the staff on its preliminary proposal of a long-range work plan. Commissioners Corrothers and MacKinnon made some suggestions about the draft, which were concurred in by the other Commissioners. Commissioner Nagel provided written comments that have been incorporated. Staff Director Newton will incorporate the changes, and new Commissioners will have an opportunity to provide input during the next month and a half. Refinement and completion of resource and staffing needs and interrelationships among projects will be incorporated within the final report to be completed in August.

Joel Garner reported that the recent meeting of the Research Advisory Group to review the draft Evaluation Plan went well and

that the Group believes USSC staff is addressing the correct issues and using appropriate methods. The plan will be revised and circulated to the Commission this week. Commissioner Nagel commented favorably on the draft plan, suggesting that our efforts be concentrated on responding to the Congressional mandate in the four statutorily-defined areas before extending the evaluation to more academic areas of interest. This is primarily due to limited resources, given the many other responsibilities of the Commission. Commissioner MacKinnon observed that the staff should reflect that departures are most often in compliance with the guidelines and that only unwarranted departures should be described as noncompliance.

Commissioner Maloney reported that he has a new procedure in place that involves Vicky Portney, Roger Pauley, and himself in the process of determining which guidelines cases are recommended to the Solicitor General for appeal and that the Commission will now receive feedback when an appeal is not taken because DOJ believes the Commission should address the problem through such means as guidelines amendments.

Sharon Henegan reported that the Revocation Working Group met last week to test proposed policy statements on actual cases. The staff is now writing a report, which the Commission will receive before the next meeting.

Chairman Wilkins announced that the Revocation Working Group report, the Evaluation Plan, and the annual report will be on the agenda for the June 18 meeting. He announced the following schedule for future Commission meetings: July 10 and 24, August 21. He referred to the confirmation hearing scheduled for three Commission nominees on June 15 and said that a vote is expected in the Senate next week.

Commissioner Corrothers reported on the Women in Corrections and Juvenile Justice Conference she attended this week and reminded the Commission of the value of such outreach efforts. Chairman Wilkins noted that Commissioners Corrothers and Nagel are to meet with the Judicial Conference Committee on Criminal Law and Probation Administration and asked them to thank Judge Becker for his active participation in work with the Commission.

Chairman Wilkins adjourned the meeting into Executive Session at 10:07 A.M.