

Minutes of the August 1, 1989 United States Sentencing Commission  
Business Meeting

The meeting was called to order at 9:41 A.M. by Chairman William W. Wilkins, Jr.

The meeting was held in the library at the United States Sentencing Commission. The following Commissioners, staff members and guest participated:

William W. Wilkins, Jr., Chairman  
Helen G. Corrothers, Commissioner  
George E. MacKinnon, Commissioner  
Ilene H. Nagel, Commissioner  
Benjamin F. Baer, Ex Officio Member  
Winston S. Moore, Staff Director  
John R. Steer, General Counsel  
David Anderson, Deputy General Counsel  
Nolan Clark, Deputy Chief Counsel  
Peter Hoffman, Principal Technical Advisor  
Candace Johnson, Director of Monitoring  
Phyllis Newton, Associate Research Director  
Roger Pauley, Criminal Division, DOJ

Chairman Wilkins introduced Ken Roberts, a new law clerk working for Commissioner Corrothers.

David Anderson summarized his memorandum concerning the denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. §853a). The Commission considered action appropriate to address the issues raised in this memorandum.

-- Motion made by Commissioner Corrothers to promulgate an emergency guideline which will serve as notice to the courts of the statutory provisions codified in 21 U.S.C. §853a; seconded by Commissioner Nagel. Passed unanimously.

Commissioner Nagel stated that David Anderson's memorandum concerning this issue and John Steer's input were extremely helpful.

Commissioner Nagel requested that the Commission schedule a presentation to be given at the earliest appropriate time by the Office of National Drug Control Policy.

Nolan Clark and Peter Hoffman discussed the revised corporate sanction draft. Commissioner Nagel requested that the Commission circulate to designated persons the corporate sanction test document proposal for comment prior to the implementation of the actual field test. Various drafting changes were suggested to the corporate sanction working group for incorporation into the proposal, including a request to draft special rules for fines.

Chairman Wilkins announced that the next Commission meeting would be held on August 12, 1989, at 9:30 A.M.

Chairman Wilkins adjourned the meeting at 12:10 P.M.