

Minutes of the February 27, 1990 United States Sentencing
Commission Business Meeting

The meeting was called to order at 2:45 P.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
Phyllis Newton, Staff Director
John R. Steer, General Counsel
John Ong, Representative of Business Round Table
Tom Leary, Representative of Business Round Table
Sam Maury, Representative of Business Round Table

Chairman Wilkins introduced Probation Officers Tim Kitch, District of Idaho, and Trisha Hardage, Eastern District of Arkansas, both on temporary detail to the Commission.

John Ong, speaking on behalf of the Business Round Table, stated that although the Business Round Table supports the work of the Commission, some concern had been raised with the proposed organizational sanctions guidelines. He requested that the Commission take more time to consider the draft guidelines because of the potential impact on the corporate sector. He felt there was little information since the new harsher penalties were in place to determine whether the law had an effect. He stressed that the proposed guidelines should leave maximum discretion to the trial judge to fashion the punishment to fit circumstances that may vary widely from case to case. He also expressed concerns about the proposed fine structure, limits on the amount of reduction due to mitigating factors, restitution, and the use of corporate probation. He urged the Commission to adopt policy statements combining clear direction with discretion for judicial application. Chairman Wilkins thanked the representatives and stated that the Commission would share any revised proposal with them for comment.

Motion made by Commissioner MacKinnon to approve the minutes of the February 13, 1990, meeting; seconded by Commissioner Corrothers. Passed. Commissioner Corrothers commended staff for eliminating the backlog of minutes.

Chairman Wilkins stated that the House Appropriation hearing held earlier today went well.

Chairman Wilkins announced that AUSA Jeffrey Lawrence was returning to California and commended him for his contribution to the Commission.

Staff Director Newton summarized the memorandum on organizing the staff's work on proposed amendments for a May 1 submission to Congress. She clarified that the term "low priority" refers to those amendments where there is little or no controversy among the staff about what is being recommended, as opposed to the interpretation that those amendments are not considered important. She stressed that all proposed amendments are priority items to the Commission. Staff Director Newton stated that the Commissioners would receive one package for each amendment consisting of public comment and a summary of staff recommendations and considerations. Commissioner Corrothers requested that General Counsel Steer submit a two-part response summarizing the merits and legal ramifications, if any, of the proposed amendments and that Peter Hoffman address the issues of guideline structure, proportionality and overall consistency on each proposed amendment.

Chairman Wilkins introduced Paul Maloney, Deputy Assistant Attorney General, Criminal Division, who will replace Steve Saltzburg as ex officio member of the Commission on May 1, 1990.

Chairman Wilkins announced that the next Commission meeting will be held on March 13, 1990, and the Public Hearing on proposed amendments will be held March 15, 1990.

Chairman Wilkins adjourned the meeting at 3:54 P.M.