

Minutes of the May 14, 1991, United States Sentencing Commission  
Business Meeting

The meeting was called to order at 10:10 a.m. by Chairman William W. Wilkins, Jr. Commissioner MacKinnon was unable to attend.

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  
Julie E. Carnes, Commissioner  
Helen G. Corrothers, Commissioner  
Michael S. Gelacak, Commissioner  
A. David Mazzone, Commissioner  
Ilene H. Nagel, Commissioner  
Paul L. Maloney, Ex Officio Commissioner  
Carol Pavilack Getty, Ex Officio Commissioner  
Phyllis J. Newton, Staff Director  
Paul K. Martin, Deputy Staff Director  
John R. Steer, General Counsel  
Sharon Henegan, Director of Training and Technical Assistance  
Mary G. Hogle, Director of Administration  
Candace Johnson, Director of Monitoring  
Deborah DeLambert, Special Counsel  
Pamela Montgomery, Staff Attorney  
David Rauma, Director of Evaluation  
Win Swenson, Legislative Liaison  
Fred Bennett, Representative, Practitioners' Advisory Group  
Steve Salkey, Representative, American Bar Association

Chairman Wilkins introduced Ex Officio Commissioner Carol Pavilack Getty, Chairman of the Parole Commission, AUSA David Debold, who is on temporary assignment to the Commission and Jerry Jones, a law clerk on Legal staff.

-- Motion made by Commissioner Corrothers to adopt the minutes of the April 26, 1991, Commission meeting. Passed unanimously.

Chairman Wilkins mentioned possible Commission priorities for the coming year. Commissioner Nagel agreed with those set forth in Chairman Wilkins' memorandum and suggested the addition of an examination of departures. Commissioner Corrothers emphasized the need to include in our initial evaluation report to Congress later this year an indication that nationwide guideline application did not occur in 1987, as Congress originally anticipated because of the widespread challenges to the Sentencing Reform Act and the guidelines. Instead, nationwide implementation occurred in 1989, after the Supreme Court decision upholding the constitutionality of the guidelines. As a result, the Commission plans to provide the four-year evaluation report to Congress in 1993. Commissioner

Mazzone suggested adding Food and Drug offenses to proposed priority #4 (Environmental Offenses). Commissioner Maloney stated that review of criminal history, fraud cases for financial institutions, environmental, immigration and tax offenses/guidelines are important areas to the Department of Justice. Commissioner Nagel also suggested that staff review how the dollar amounts in the fraud, theft, and tax areas affect the levels set for offenders at the lowest end of the scale. Chairman Wilkins and Commissioner Corrothers urged keeping the number of priorities relatively small in order for working groups to accomplish comprehensive reviews of the issue areas. Chairman Wilkins reminded Commissioners of the senior staff planning conference scheduled for later this month and said that the Commission will have the results of that effort on its agenda when it meets in June.

Chairman Wilkins announced that the 1990 Annual Report was in its final editing stages. Various staff members provided status reports on work in their areas. Mary Hogya reported on advances made by the Administrative staff concerning policies and procedures and current and completed projects. Chairman Wilkins commended Administration for excellent administrative support services. David Rauma reported on studies being conducted by the Evaluation Unit. He stated that an outline of the report with some portions completed would be ready in July. Staff Director Newton stated that a preliminary draft of the statutorily mandated mandatory minimum study would be ready in June, with the final report to be completed in July. Candace Johnson highlighted major activities of the Monitoring Unit and reported that the backlog of cases to be entered in the Guideline Application Module was almost eliminated. Monitoring staff are planning revision and integration of offense code designations in the data entry system. Sharon Henegan reported on training and technical assistance work and stated that they will be conducting two training programs in September 1991, concerned with revocation and significant amendments and will begin training on organizational sanctions in January or February of 1992. The evaluation, monitoring, and training staffs were commended for their work.

General Counsel Steer reported that Legal staff was involved with an Attorneys' Hot Line for attorneys with guideline application problems or questions. Win Swenson reviewed pertinent provisions of Senator Biden's and Senator Thurmond's (the Administration) crime bills. He reported on efforts to enact the Commission's revocation proposal prior to the fall training sessions and the possibility of hearings on the Organizational Sanctions guidelines in June. Pamela Montgomery discussed pertinent guideline application decisions concerned with departures, the Drug Table and the exclusionary rule. Several Commissioners commented on the usefulness of the caselaw summaries.

Chairman Wilkins announced that the next Commission meeting will be held on June 18, 1991, at 10:00 a.m. and that the Commission will celebrate Employee Recognition Day with a reception on May 15 at 3:00 p.m.

Chairman Wilkins adjourned the meeting at 11:40 a.m.