

United States Sentencing Commission Meeting, July 8, 2000
New York, New York

Chair Murphy convened a luncheon meeting at the Rihga Royal Hotel prior to the ABA panel discussion. All commissioners were present except ex officio Michael Gaines.

The Chair opened the meeting with a discussion of the budget process and the work that needed to be accomplished prior to the Senate mark.

Chair Murphy turned to Susan Hayes to provide final information needed for the ABA panel later in the day. The commissioners discussed the *Apprendi* decision and its possible relevance to the guidelines.

Chair Murphy and Vice Chairs Castillo, Sessions, and Steer reported on a meeting with Chief Judge Larry Piersol of South Dakota in Chicago about guideline issues affecting Native Americans. They reported that they discussed the United States Commission on Civil Rights Report about Indian issues and the disparities which arise from application of the federal guidelines to Native Americans convicted of state type crimes. Chief Judge Piersol offered to help make arrangements if the Commission holds a regional meeting in South Dakota. The commissioners discussed some of the specific issues, potential value in giving attention to the perceived problems, and some possible outcomes. Planning will go forward on a possible regional meeting in South Dakota as well as a dinner meeting with Arizona federal judges while the Commission is at the Sentencing Institute (Judge Kendall will look into arrangements for the latter).

Vice Chair Steer and Commissioner O'Neill gave an update on the Economic Crimes Symposium and handed out a draft agenda. A list of invitees and the status of each will be prepared for the July meeting in Washington.

Chair Murphy provided background on the Commission's interest in a fifteen year study of the guidelines. Commissioner O'Neill has had preliminary meetings with staff and informal discussions with Hill staff. Hill staff think the study is a good idea. Commissioner O'Neill asked Sentencing Commission staff to develop a project list taking into consideration the staff and available resources and the mission of the Commission. There was some discussion about possible risks - misconceptions - doing the study and the drain on resources. The consensus was that Commissioner O'Neill should proceed with staff to develop a list for the September meeting. Vice Chairs Castillo, Sessions, and Steer expressed interest in working on the project.

The commissioners then discussed whether to do an update to the mandatory minimum study. The Commission agreed that if it were to be accomplished, the update would be appropriate as part of the fifteen year study.

Staff Director McGrath and Acting General Counsel Purdy raised the issue of non-judge political activity during the upcoming political campaign. The commissioners indicated an

interest in pursuing a liberal policy for political involvement. Andy Purdy will provide options at the July meeting.

Chair Murphy referred the commissioners to the papers prepared by her law clerk and Commission staff on criteria for determining which circuit conflicts to resolve. Vice Chair Castillo indicated that he had reviewed the draft criteria and would like to prepare a proposal for the Commission's consideration at the July meeting.

The Chair adjourned the meeting at 3:00 p.m.