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THE WHITE HOUSE

WASHINGTON

April 8, 1985

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: H.R. 1847 -- Amendment to the
Sentencing Reform Act of 1984

Counsel's Office has reviewed the above-referenced enrolled bill, and finds no objection to it from a legal perspective.

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1-1-1

Name of Correspondent: Dave Chew

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: H.R. 1847 - Amendment to the Sentencing Reform Act of 1984

ROUTE TO:	ACTION	Tracking Date	Type of Response	Completion Date
Office/Agency (Staff Name)	Action Code	YY/MM/DD	Code	YY/MM/DD
<u>CUATOL</u>	ORIGINATOR	<u>85,04,08</u>		<u>1 1</u>
<u>CUAT 18</u>	R	<u>85,04,08</u>	S	<u>85,04,08</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
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| <p>ACTION CODES:</p> <ul style="list-style-type: none"> A - Appropriate Action C - Comment/Recommendation D - Draft Response F - Furnish Fact Sheet <li style="padding-left: 20px;">to be used as Enclosure | <ul style="list-style-type: none"> I - Info Copy/Only No Action Necessary R - Direct Reply w/Copy S - For Signature X - Interim Reply | <p>DISPOSITION CODES:</p> <ul style="list-style-type: none"> A - Answered B - Non-Special Referral C - Completed S - Suspended |
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FOR OUTGOING CORRESPONDENCE:
 Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

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 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 4/8/85 ACTION/CONCURRENCE/COMMENT DUE BY: April 10th

SUBJECT: H.R. 1847 - AMENDMENT OF THE SENTENCING REFORM ACT OF 1984

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	VERSTANDIG	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
FRIEDERSDORF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	<u>DANIELS</u>	<input type="checkbox"/>	<input type="checkbox"/>
HICKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations by April 10th.
Thank you.

RESPONSE:

1985 APR -8 PM 4: 22

David L. Chew
Staff Secretary
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

Received S S

1985 APR -8 PM 3:22

APR 8 1985

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1847 - Amendment of the Sentencing Reform Act of 1984
Sponsors - Rep. Conyers (D) Michigan and 7 others

Last Day for Action

April 16, 1985 - Tuesday

Purpose

To amend the Sentencing Reform Act of 1984 to permit (1) the Administrative Office of the United States Courts to request appropriations on behalf of the U.S. Sentencing Commission and (2) Federal judges who have taken senior status to serve on the Sentencing Commission.

Agency Recommendations

Office of Management and Budget	Approval
Department of Justice	Approval
Administrative Office of the United States Courts	Approval

Discussion

The Sentencing Reform Act of 1984 ("the Act"), enacted as part of the Comprehensive Crime Control Act of 1984, completely overhauled the Federal criminal sentencing system. The key provision of this legislation was the establishment of the United States Sentencing Commission, an agency of the judicial branch. The Commission, whose membership is to be composed of seven members appointed by the President, is to draft guidelines for Federal judges to use in sentencing persons convicted of criminal offenses. The guidelines are intended to ensure fairer and more uniform sentencing of Federal criminal offenders.

Two problems have arisen with respect to the Act as originally enacted. First, the Act authorizes the Commission's Chairman to request appropriations on behalf of the Commission. Because the Chairman (and the other members) has not been appointed, appropriations have not been requested for the Commission. As a consequence, the Commission has not been able to hire staff and begin its work. Second, the Act requires that the membership of

the Commission include at least three regular active service Federal judges. According to the colloquy in the Senate, the Chief Justice has questioned this requirement and has expressed some concern about active Federal judges serving on the Commission. (He is evidently worried that an active judge would find it difficult to serve on the Commission while executing his other judicial responsibilities.)

The enrolled bill, which passed both Houses by voice vote, addresses each of these problems. To overcome the Commission's present budget conundrum, the bill authorizes the Administrative Office of the United States Courts to request appropriations on behalf of the Commission, until the Chairman is appointed. The enrolled bill responds to the Chief Justice's concern by authorizing Federal judges who have taken senior status (i.e., who do not have all the responsibilities of active judges) to serve on the Commission.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

WASHINGTON

April 18, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: List of Judicial Conference
Recommendations for Sentencing
Commission

You should acknowledge receipt of the list of Judicial Conference recommendations for the Sentencing Commission from the Chief Justice. A brief note doing so is attached. It makes no mention of the Chief's concern about appointing a judge in regular active service to the Commission; we should keep our options open at this point.

Attachment

THE WHITE HOUSE

WASHINGTON

April 18, 1985

Dear Mr. Chief Justice:

Thank you for your letter of April 10 to the President, transmitting the list of judges recommended by the Judicial Conference of the United States for service on the United States Sentencing Commission, pursuant to 28 U.S.C. § 991.

We appreciate the time and effort that obviously went into developing the impressive list. We hope to be able to announce appointments to the Commission in the near future, in order that the Commission may commence its work without delay. Thank you again for your assistance in helping to ensure that the membership of the Commission will be worthy of the challenge before it.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

The Honorable Warren E. Burger
The Chief Justice
of the United States
Washington, D.C. 20543

FFF:JGR:aea 4/18/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE

WASHINGTON

April 18, 1985

Dear Mr. Chief Justice:

Thank you for your letter of April 10 to the President, transmitting the list of judges recommended by the Judicial Conference of the United States for service on the United States Sentencing Commission, pursuant to 28 U.S.C. § 991.

We appreciate the time and effort that obviously went into developing the impressive list. We hope to be able to announce appointments to the Commission in the near future, in order that the Commission may commence its work without delay. Thank you again for your assistance in helping to ensure that the membership of the Commission will be worthy of the challenge before it.

Sincerely,

Fred F. Fielding
Counsel to the President

The Honorable Warren E. Burger
The Chief Justice
of the United States
Washington, D.C. 20543

FFF:JGR:aea 4/18/85
bcc: FFFielding
JGRoberts
Subj
Chron

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: APRIL 12, 1985

NAME OF CORRESPONDENT: THE HONORABLE WARREN E. BURGER

SUBJECT: ENCLOSES LIST OF JUDGES, RECOMMENDED BY THE
JUDICIAL CONFERENCE OF THE U. S. TO SERVE ON
THE NEW U. S. SENTENCING COMMISSION

JR - BAD



ROUTE TO: OFFICE/AGENCY (STAFF NAME)	ACTION		DISPOSITION	
	ACT CODE	DATE YY/MM/DD	TYPE RFS	COMPLETED YY/MM/DD
FPED FIELDING	ORG	85/04/12		1/1
<i>CUATIS</i> REFERRAL NOTE:	<i>D</i>	<i>85/04/15</i>		<i>5/85/04/19</i>
REFERRAL NOTE:				
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REFERRAL NOTE:				

COMMENTS:

ADDITIONAL CORRESPONDENTS:

MEDIA: L INDIVIDUAL CODES:

MI MAIL

USER CODES: (A)

(B)

(C)

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*ACTION CODES:          *DISPOSITION CODES:      *OUTGOING          *
*                       *                       * CORRESPONDENCE:  *
*A-APPROPRIATE ACTION  *A-ANSWERED              *TYPE RESP=INITIALS *
*C-COMMENT/RECOM       *R-NON-SPEC-REFERRAL    *      OF SIGNER    *
*D-DRAFT RESPONSE      *C-COMPLETED           *      CODE = A      *
*F-FURNISH FACT SHEET  *S-SUSPENDED            *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                       *      OUTGOING     *
*R-DIRECT REPLY W/COPY *                       *                       *
*S-FOR-SIGNATURE        *                       *                       *
*X-INTERIM REPLY        *                       *                       *
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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT. 2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

302-433

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

April 10, 1985

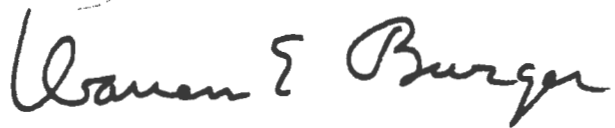
Dear Mr. President:

I am forwarding the enclosed list of judges, recommended by the Judicial Conference of the United States to serve on the new United States Sentencing Commission, for your consideration.

It is my understanding that Congress has passed legislation to allow senior judges to serve on the Commission, as this would be less disruptive to the courts they serve. Therefore, the list includes senior as well as active judges.

While the new legislation is an improvement, I must repeat my concern as to members of the Judiciary serving, if indeed they must accept a "full time" Executive branch appointment to an independent Commission. Realistically, there is not a single Federal Judge in active service who should devote "full time" attention to anything except performance of Article III duties.

Cordially and respectfully,



The President
The White House
Washington, D.C. 20500

LIST OF JUDICIAL CONFERENCE NOMINEES TO SENTENCING COMMISSION

Judge:

Present Court Service:

Thomas A. Flannery	District Court of the District of Columbia
George E. MacKinnon*	District of Columbia Circuit
John L. Smith, Jr.*	District Court of the District of Columbia
Stephen G. Breyer	Circuit Judge, 1st Circuit, Massachusetts
William W. Wilkins	District of South Carolina, 4th Circuit
Reynaldo G. Garza*	Circuit Judge, 5th Circuit, Texas
Hugh S. Dillin	District of Southern Indiana, 7th Circuit (24 yrs. service; C.J. until June 9)
George N. Leighton	District of Northern Illinois, 7th Circuit
Warren K. Urbom	District of Nebraska, 8th Circuit Chief Judge
James M. Burns	District of Oregon, 9th Circuit
Earl H. Carroll	District of Arizona, 9th Circuit
Leland C. Nielsen	District of Southern California, 9th Circuit

* senior status

THE WHITE HOUSE
WASHINGTON

Date 4.18.85

Suspense Date _____

MEMORANDUM FOR: John

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for _____ signature
- As we discussed
- Return to me for filing

COMMENT

THE WHITE HOUSE

WASHINGTON

April 5, 1985

MEMORANDUM FOR DIANNA G. HOLLAND
EXECUTIVE ASSISTANT TO THE
COUNSEL TO THE PRESIDENT

FROM: RICHARD A. HAUSER
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Sentencing Commission

Justice advises that ~~the~~ Congress just amended the legislation establishing the Sentencing Commission to provide, among other things, that senior as well as active judges may serve on that body. The Chief Justice will send his list of candidates as soon as the President signs the bill. An enrolled bill is now at OMB and is styled H.R. 1847. The staff attorney assigned to the Sentencing Commission should follow-up on this matter as soon as possible.

THE WHITE HOUSE

WASHINGTON

April 22, 1985

MEMORANDUM FOR MARK SULLIVAN
ASSOCIATE DIRECTOR
PRESIDENTIAL PERSONNEL

FROM: JOHN G. ROBERTS 
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Sentencing Commission

The following is from the 1984 Federal Judicial Almanac:

Republicans:

George E. MacKinnon
John L. Smith, Jr.
William W. Wilkins
Warren K. Urbom
James M. Burns
Leland C. Nielsen

Democrats:

Reynaldo G. Garza
Hugh S. Dillin
George N. Leighton
Earl H. Carroll

No Affiliation Listed:

Thomas A. Flannery
Stephen G. Breyer

Uncertainty ^(absolutely) of political affiliation
of

Stephen Breyer (Asst. by
Carter; Kennedy aide on
Sen. Sub Comte.)

Thomas Flannery (Asst. by
Nixon, 1971)

DISTRICT OF COLUMBIA

287

(Federal Dist. Courts)

United Planning Organization 1963-66; board of directors Family Service Association of America 1958-68; board of directors Family and Child Services of Washington, D.C. 1954-63; board of directors Washington Action for Youth 1962-64; District of Columbia Public Welfare Advisory Council 1963-65; board of directors Eugene & Agnes E. Meyer Foundation; member Washington Urban League Adoption Project 1959; member executive committee Inter-religious Committee on Race Relations 1966-67; executive committee, board of directors District of Columbia Citizens for Better Public Education 1964-66; board of directors Barney Neighborhood Settlement House 1962-64. Member District of Columbia Commissioners Committee on Child Placement Regulations 1954-62; member Membership Steering Committee on Health and Welfare Council, D.C., 1961-66, Budget Steering Committee 1963-66; trustee Washington Center Metropolitan Studies 1967-74. Judicial Conference Committee on Court Facilities & Design 1971-date; chairman National Conference of Federal Trial Judges 1973-74; Judicial Conference Committee on the Administration of Criminal Law 1976-date; board of directors Federal Judicial Center 1978; member Committee Courts and Community, American Bar Association 1972; member advisory committee Judges Function 1970-72, American Bar Association; National Conference of Federal Trial Judges, chairman 1973; general counsel American Council on Human Rights 1953-55.

██████████ U.S. Courthouse, 5th and Constitution Avenues, N.W., Washington, D.C. 20001. (202-535-3477). Orig. App't. Dt. 11-3-66.

Born September 20, 1912, in Washington, D.C.; married Madeline C. Cotter (dec'd); children John Lewis III, Madeline Lynn (Mrs. Lawrence G.), Joseph Cotter, Jane Ambler (Mrs. David G.), Barbara Cassin (Mrs. Stephen F. II); married 2nd Louise T. Parker; Catholic; ██████████ 1942-46 U.S. Army to Lt. Colonel, Army Commendation Medal.

Public schools of District of Columbia; Lawrenceville School, New Jersey; Princeton University, A.B. (cum laude) 1935; Georgetown University Law School, LL.B., 1938, LL.M., 1939; admitted to District of Columbia bar 1938, U.S. Supreme Court bar 1938.

1939-40 law practice, Washington; 1940-46 assistant U.S. Attorney, District of Columbia; 1946-56 law practice Washington, D.C.; 1956-57 Public Utilities Commission for District of Columbia; 1957-59 associate judge Municipal Court for District of Columbia; 1959-61 Chief Judge same court; 1961-62 Judge District of Columbia Court of Appeals; 1966-date Judge U.S. District Court for District of Columbia appointed by President Johnson.

Member American Bar Association, Bar Association of District of Columbia, American Judicature Society, National Lawyers Club, Barristers, Princeton Club, Vinson Club, Chevy Chase Club.

Trustee Boys Club Washington 1965-date; board of directors District of Columbia Chapter American Red Cross 1957-date; board of directors Washington Heart Association 1967-date. Recipient First Scholarship Prizes Georgetown University Law School 1936-37; Princeton Class Award 1959; Georgetown University Alumni Achievement award 1960. Chairman Republican Vets Committee for District of

Columbia, 1952; Vets Committee for Eisenhower-Nixon Inaugural 1953-57; president Republican Club, District of Columbia, 1955-56.

Gerhard A. Gesell. U.S. Courthouse, 3rd and Constitution Avenues, N.W., Washington, D.C. 20001. (202-535-3488). Orig. App't. Dt. 12-7-67.

Born June 16, 1910, in Los Angeles, California; married Marion Holliday Pike; children Peter Gerhard, Patricia Pike.

Phillips Andover Academy, 1928; Yale University, A.B., 1932, LL.B., 1935; admitted to Connecticut bar 1935, District of Columbia bar 1941.

1935-40 attorney Securities and Exchange Commission, Washington, D.C., 1940-41 technical advisor to the Chairman; 1941-67 partner Covington & Burling, Washington, D.C.; 1945-46 chief assistant counsel Joint Congressional Committee for Investigation of Pearl Harbor Attack; 1967-date Judge U.S. District Court for District of Columbia appointed by President Johnson.

Member American Bar Association, American College of Trial Lawyers, American Law Institute, Lawyers Club, Metropolitan Club, District of Columbia Bar Association, Phi Delta Phi, Zeta Psi.

Honorary member executive committee Yale Law School Association. Chairman, President's Commission on Equal Opportunity in the Armed Forces 1962-64; member District of Columbia Commission on Judicial Disability and Tenure 1975-date. Member Lawyers' Committee for Civil Rights Under Law 1963-67; chairman Committee on the Administration of Justice, Judicial Conference of the District of Columbia 1966-67; director Federal Judicial Center 1970-72. Yale Law School Citation of Merit 1967.

Co-author *Study of Legal Reserve Life Insurance Companies* (1940); *Families and Their Life Insurance* (1940).

John H. Pratt. U.S. Courthouse, 3rd and Constitution Avenues, N.W., Washington, D.C. 20001. (202-535-3453). Orig. App't. Dt. 6-7-68.

Born November 17, 1910, in Portsmouth, New Hampshire; married Bernice G. Safford; children Clare (Sister Clare Pratt, RSCJ), Lucinda Pearlman (Mrs. Daniel), John H. Jr., Patricia Moriarity (Mrs. George), Mary DeLong (Mrs. William); Roman Catholic; Democrat; 1942-46 USMC to Captain, Bronze Star, Purple Heart, two Presidential Unit Citations.

Georgetown College, 1926-28; Harvard University, A.B. (cum laude) 1930, LL.B., 1935; admitted to District of Columbia bar 1934.

1934-42 Morris, Kix, Miller & Baar, Washington; 1946-68 Morris, Pearce, Gardner & Pratt, Washington, 1954-68 partner; 1968-date Judge U.S. District Court for District of Columbia appointed by President Johnson.

Member American Bar Association, Bar Association of District of Columbia, American Bar Foundation, American Judicature Society, Harvard Law School Association of District of Columbia, Marine Corps Reserve Officers Association, Barristers, Lawyers Club of Washington, Harvard Club of Washington, Chevy Chase Country Club.

President Harvard Law School Association, Washington 1952-53; president Association of Harvard Clubs 1952-53. Assistant counsel Boys Clubs of Greater

(First Cir. Ct. of Appeals)

Born March 10, 1920, in New York City; married Irja C. Martikainen; children Barbara Ann, David & Ernest (twins); Democrat; 1941-46 U.S. Marine Corps, retired Major, USMCR, Purple Heart, Silver Star.

Horace Mann High School; Columbia University, B.A., 1941, LL.B., 1948; admitted to New Hampshire bar 1948.

1948-67 partner Nighswander, Lord & Bownes, Laconia, New Hampshire; 1966-68 associate Justice New Hampshire Superior Court; 1968-77 Judge U.S. District Court for New Hampshire appointed by President Johnson; 1977-date Judge U.S. Court of Appeals, 1st Circuit appointed by President Carter.

Member Belknap County Bar Association, New Hampshire Bar Association, American Bar Association, American Judicature Society, American Law Institute.

President board of Laconia Hospital Association; Mayor, City of Laconia, New Hampshire, 1963-65; member Laconia City Council, 1953-57; chairman Laconia Democratic Committee, 1954-57; member Democratic National Committee from New Hampshire, 1963-66.

Stephen Breyer. 1617 Post Office & Courthouse, Boston, Massachusetts 02109. (617-482-4296). Orig. App't. Dt. 12-10-80.

Born August 15, 1938, in San Francisco, California; married Joanna Hare; children Chloe, Nell, Michael.

Stanford University, A.B., 1959; Oxford University, B.A., Marshall Scholar, 1961; Harvard University (magna cum laude) LL.B., 1964; admitted to California bar 1966, D.C. bar 1966, Massachusetts bar 1971.

1964-65 law clerk to Justice Goldberg, U.S. Supreme Court; 1965-67 special assistant to Assistant U.S. Attorney General; 1965-70 assistant professor of law, Harvard University; 1970-73 professor, Harvard University; 1973 assistant Special Prosecutor in Watergate investigation; 1975-79 professor of government, Harvard Law School; 1979-80 Chief Counsel U.S. Senate Judiciary Committee; 1980-date Judge U.S. Court of Appeals, 1st Circuit appointed by President Carter.

Member American Bar Association, American Law Institute.

Visiting lecturer College of Law, Sydney, Australia; Salzburg (Austria) Seminar, 1978; trustee University of Massachusetts, 1974. Special Counsel U.S. Senate Judiciary Committee 1974-75; Massachusetts Federal Judges Merit Selection Panel, 1978; board of overseers Sydney Farber Cancer Institute, Boston, Massachusetts.

Author (with Paul MacAvoy) *The Federal Power Commission and the Regulation of Energy* (1974); (with Richard Stewart) *Administrative Law and Regulatory Policy* (1979).

SENIOR JUDGES

Bailey Aldrich. 1634 Post Office & Courthouse, Boston, Massachusetts 02109. (617-223-2895). Orig. App't. Dt. 9-10-59.

Born April 23, 1907, in Boston, Massachusetts; married Elizabeth Perkins; children Jonathan, David.

Harvard University, A.B., 1928, LL.B., 1932; admitted to Massachusetts bar 1932.

SOUTH CAROLINA

835

(Federal District Courts)

Member American Bar Association, South Carolina Bar Association, Charleston County Bar Association, American Trial Lawyers Association, South Carolina Trial Lawyers Association, University of South Carolina Alumni Association, Association of Citadel Men, Citadel Century Club, Hibernian Society, American Judicature Society.

Member Judicial Conference of Fourth Judicial Circuit.

C. Weston Houck. P.O. Box 2260, Florence, South Carolina 29503. (803-662-7611). Orig. App't. Dt. 9-26-79.

Born April 16, 1933, in Florence, South Carolina; married 2nd Wana Kaye Hutchinson; children Charles Weston, Charlotte Elizabeth; Episcopalian; 1957-58 U.S. Army.

University of North Carolina, 1954; University of South Carolina, LL.B., 1956; admitted to South Carolina bar 1956.

1958-70 Willcox, Hardee, Houck, Palmer & O'Farrell, Florence, South Carolina; 1971-79 partner Houck, Clarke & Johnson; 1979-date Judge U.S. District Court for South Carolina appointed by President Carter.

Member American Bar Association, South Carolina Bar Association.

Chairman Florence City-County Building Commission 1968-76. Member South Carolina House of Representatives 1963-66.

George R. Anderson, Jr. P.O. Box 2147, Anderson, South Carolina 29622. Orig. App't. Dt. 5-23-80.

Born January 29, 1929, married Dorothy M. Downee; children G. Ross; Baptist; Democrat; 1951-52 USAF.

Southeastern University, A.B., 1949; George Washington University, 1949-51; University of South Carolina, LL.B., 1954; admitted to South Carolina bar 1954.

1945-47 F.B.I. identification center; 1947-51 clerk to U.S. Senator Olin D. Johnston from South Carolina in Washington, 1953-54 in Columbia, South Carolina; 1954-62 law practice Anderson, South Carolina; 1954-56 South Carolina House of Representatives; 1962-65 Anderson & Doyle; 1965-70 Anderson & Chapman; 1971-80 Anderson, Epps & Krause; 1980-date Judge U.S. District Court for South Carolina appointed by President Carter.

Member American Bar Association, South Carolina Bar Association, Association of Trial Lawyers of America, South Carolina Trial Lawyers Association, Georgia Trial Lawyers Association, American Association of Forensic Scientists, International Society of Barristers.

Assistant editor University of South Carolina Law Review 1953-54. Board of directors Salvation Army 1968; board of directors YMCA 1968-79; board of directors Anderson Youth Association 1978-80. Director South Carolina Bar Association 1977-80; board of governors American Trial Lawyers Association 1969-71; vice president South Carolina Trial Lawyers Association 1970-71, president 1971-72.

██████████. P.O. Box 10857, Greenville, South Carolina 29603. (803-233-7081). Orig. App't. Dt. 9-1-81.

Born March 29, 1942, married Carol Adams; children Lauren, Lyn, Walt; Southern Baptist; ██████████ 1967-69 U.S. Army.

Greenville High School, 1960; Davidson College, B.A., 1964; University of South Carolina School of Law, J.D. (with honors) 1967.

1969-70 law clerk Clement F. Haynsworth, Jr., U.S. Court of Appeals, Fourth Circuit; 1970-71 legal aide U.S. Senator Strom Thurmond; 1971-74 partner Wilkins & Wilkins; 1974-81 circuit solicitor State of South Carolina; 1981-date Judge U.S. District Court for South Carolina appointed by President Reagan.

Member American Bar Association, South Carolina Bar Association, Phi Delta Phi, Sigma Alpha Epsilon.

Editor-in-chief University of South Carolina Law School, Law Review, Order of Wig and Robe, Outstanding Graduate of the Year award 1967; lecturer Taft Seminar, Clemson University. YMCA Metropolitan Board 1979-81. Deacon 1st Baptist Church.

Author "Federal Civil Procedure-Discovery," *S.C. Law Rev.* (1965); "The Family Purpose Doctrine," *S.C. Law Rev.* (1966); "Personal Injury Commentator," *S.C. Law Rev.* (1967); "Labor Law-Lockouts," *S.C. Law Rev.* (1966).

Clyde H. Hamilton. P.O. Box 867, Columbia, South Carolina 29202. (803-765-5270). Orig. App't. Dt. 1-8-82.

Born February 8, 1934, in Edgefield, South Carolina; married Mary Spillers; two children; 1956-58 U.S. Army.

Wofford College, B.S., 1956; George Washington University, J.D. (with honors) 1961; admitted to South Carolina bar 1961.

1958-61 reference assistant U.S. Senate Library; 1961-63 associate J.R. Folk, Edgefield, South Carolina; 1963-81 partner Butler, Means, Evins & Browne, Spartanburg, South Carolina; 1981-date Judge U.S. District Court for South Carolina appointed by President Reagan.

Member American Bar Association, South Carolina State Bar Association, Spartanburg County Bar Association, American Judicature Society, Sigma Alpha Epsilon, Delta Phi Alpha.

Member George Washington Law School Law Review editorial staff; member steering committee, undergraduate merit fellowship program Converse College; sustaining trustee Spartanburg Day School, chairman of board 1972-74. President Spartanburg County Arts Council 1971-73. Chairman administrative board Methodist Church 1969-73, chairman finance committee 1974-76; trustee Spartanburg Methodist College; Trinity United Methodist Church.

SENIOR JUDGES

J. Robert Martin, Jr. P.O. Box 10768, Greenville, South Carolina 29603. (803-232-5522). Orig. App't. Dt. 9-8-61.

Born November 30, 1909, in Greenville, South Carolina; married Lydia Prichard; children Bell Martin Heckle, Lydia Martin Sawyer, Bobbie Martin Traylor; Democrat.

(Federal District Courts - D.C.)

Delta, Omicron Delta Kappa, Delta Sigma Rho, Pi Delta Epsilon, Masons, National Conference of Federal Trial Judges, Association of Trial Lawyers of America, American Bar Foundation.

Trustee, Immaculata College Washington 1970-73. Affiliate member District of Columbia Urban Renewal Council and Citizens Housing Committee 1961-64; Suburban Hospital Association, 1967-71; board of directors, assistant general counsel Boys Club Greater Washington, 1957-71; trustee Potomac Conservation Foundation; chairman PTA Sidwell Friends School 1968-70; president Potomac Elementary School PTA 1966-67. Special counsel Montgomery County Councilmanic Redistricting, 1965-66; member Montgomery County Board of Appeals, chairman 1966-67; vice chairman Montgomery County Charter Revision Commission 1967-68. Designated member U.S. Court of Appeals for District of Columbia, 1972-75, 1977-82; American Bar Association activities: House of Delegates, 1981; chairman committee on alcoholism and drug abuse 1974-76; committee on sentencing, probation and parole 1976-77; member council criminal justice section 1976-80; chairman National Conference Federal Trial Judges; member Council on Judicial Administration division 1980-81. Recipient Annual Award of Merit, Administrative Law Judges of United States, 1979.

U.S. Courthouse, 3rd and Constitution Avenues, N.W., Washington, D.C. 20001. (202-535-3442). Orig. App't. Dt. 12-6-71.

Born May 10, 1918, in Washington, D.C.; married Rita Sullivan; children Irene M., Thomas Aquinas, Jr.; 1942-45 U.S. Air Force, Combat Intelligence Officer.

Catholic University Law School, LL.B., 1940; admitted to District of Columbia bar 1940.

1940-42 law practice Washington, D.C.; 1945-48 law practice Washington, D.C.; 1948-50 trial attorney Department of Justice, Washington; 1950-62 assistant U.S. Attorney for District of Columbia; 1962-69 partner Hamilton & Hamilton, Washington, D.C.; 1969-71 U.S. Attorney for District of Columbia; 1971-date Judge U.S. District Court for District of Columbia appointed by President Nixon.

Member District of Columbia Bar Association, American Bar Association, American College of Trial Lawyers.

Lecturer, Northwestern University School of Law. Legal Aid Agency of District of Columbia. Board of directors District of Columbia Bar Association.

Louis F. Oberdorfer. U.S. Courthouse, 3rd and Constitution Avenues, N.W., Washington, D.C. 20001. (202-535-3422). Orig. App't. Dt. 11-1-77.

Born February 21, 1919, in Birmingham, Alabama; married Elizabeth Weil; children John Louis, Kathryn Lee, Thomas Lee, William; 1941-45 U.S. Army to Captain.

Public schools of Birmingham, Alabama; Dartmouth College, A.B., 1939; Yale Law School, LL.B., 1946; admitted to Alabama bar 1946, District of Columbia bar 1949.

1946-47 law clerk to Justice Hugo L. Black; 1947-51 member Paul, Weiss, Wharton, Garrison; 1951-61 partner Wilmer, Cutler & Pickering and predecessors; 1961-65 assistant Attorney General, Tax Division U.S. Department of Justice; 1965-77

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Law and the Free Society, 1967; Frank Irvine Lecturer, Cornell University, 1968; Brainerd Currie Lecturer, Duke University, 1970; taught Contemporary Civil Rights, Notre Dame in London, 1976; lecturer administrative law Tulane University, Grenoble, 1979; Francis Biddle Lecturer, Harvard Law School, 1979; George Dreyfous Lecturer, Tulane University, 1981; Meiklejohn Lecturer, Brown University, 1976.

Edward Allen Tamm. United States Courthouse, 3rd and Constitution Avenues N.W., Washington, D.C. 20001. (202-535-3353). Orig. App't. Dt. 3-11-65.

Born April 21, 1906, in St. Paul, Minnesota; married Grace Monica Sullivan; children Edward Allen, Jr., Grace; Roman Catholic; USNR to Lt. Commander.

Mt. St. Charles College, 1923-25; University of Montana, 1926-28; Georgetown University, LL.D., 1930; admitted to Minnesota bar.

1930-48 Federal Bureau of Investigation; 1948-65 Judge U.S. District Court for District of Columbia, appointed by President Truman; 1965-date Judge U.S. Court of Appeals, District of Columbia Circuit, appointed by President Johnson.

Member Bar Association of Minnesota, Bar of the Supreme Court of the U.S., American Bar Association, Federal Bar Association, District of Columbia Bar, American Judicature Society, American Law Institute, United States Power Squadron, United States Coast Guard Auxiliary, Sons of Union Veterans, John Carroll Society, Newcomen Society, Sigma Nu, Friendly Sons of St. Patrick.

Trustee St. Joseph's College; Georgetown University, LL.D. 1965; Suffolk University, J.S.D., 1971; Carroll College, LL.D., 1974; New York Law School, LL.D., 1980. Special consultant on security to Secretary of State, Chapultepec Council, Mexico City, 1945; special consultant on security to Secretary of State, Organizational Meeting of U.N., San Francisco, 1945. Judge U.S. Temporary Emergency Court of Appeals, 1972-82; chairman, Review Committee of Judicial Conference of U.S., 1969-78; member Committee on Court Administration, member Special Committee on Minimum Standards for the Administration of Criminal Justice 1968-71, Special Committee on Crime Prevention and Control, 1971-72, chairman, Federal Legislation Committee, American Bar Association; faculty member, Institute of Trial Advocacy, 1972-77; member board of advisors, American Bar Association Journal; member board of trustees, Institute for Court Management. Awarded Legion of Merit with rank of Commander by the Republic of Ecuador, 1942; awarded Order of Balboa, Republic of Panama, 1945; director President's Cup Regatta Association.

George E. MacKinnon. United States Courthouse, 3rd and Constitution Avenues N.W., Washington, D.C. 20001. (202-535-3337). Orig. App't. Dt. 5-6-69.

Born April 22, 1906, in St. Paul, Minnesota; married Elizabeth Valentine Davis; children Catharine Alice, James Davis, Leonard Davis; Episcopalian; 1942-46 USNAF to Commander, cited for meritorious service.

University of Colorado, 1923-24; University of Minnesota, LL.B., 1929; admitted to Minnesota bar 1929.

1929-42 assistant general counsel, Investors Syndicate, Minneapolis; 1934-42 member Minnesota House of Representatives, 29th district; 1947-49 member 80th

Congress, 3rd District of Minnesota; 1949-53 law practice; 1953-58 U.S. District Attorney for Minnesota; 1958-61 law practice; 1960 special assistant to U.S. Attorney General; 1961-69 general counsel, vice president, Investors Mutual Funds, Minneapolis; 1969-date Judge, U.S. Court of Appeals, District of Columbia Circuit, appointed by President Nixon; 1979-date presiding Judge, U.S. Foreign Intelligence Surveillance Court of Review.

Member American Bar Association, Minnesota Bar Association, Hennepin County Bar Association, Delta Tau Delta, Phi Delta Phi, Lawyers Club (Washington, D.C.), Masons (32nd degree).

Republican nominee for Governor of Minnesota, 1958; author, Minnesota State Reorganization Act, 1939; State Civil Service Law, 1939; Old Age Assistance Act, 1936.

Malcolm Richard Wilkey. United States Courthouse, 3rd and Constitution Avenues N.W., Washington, D.C. 20001. (202-535-3360). Orig. App't. Dt. 2-25-70.

Born December 6, 1918, in Murfreesboro, Tennessee; married Emma Secul Depolo; Episcopalian; Republican; 1941-45 U.S. Army, USAR 1946-53.

Madisonville High School, 1936; Harvard University, A.B. (magna cum laude) 1940; Harvard University, J.D., 1948; admitted to Texas Bar 1948, New York bar 1963, U.S. Supreme Court bar 1952.

1948-54 partner Butler, Binion, Rice & Cook, Houston, Texas; 1954-58 U.S. District Attorney for Texas, Southern; 1958-61 Assistant Attorney General of the United States; 1961-63 partner Binion, Rice & Cook, Houston, Texas; 1963-70 general counsel, Kennecott Copper Corporation, New York; 1970-date Judge U.S. Court of Appeals, District of Columbia Circuit appointed by President Nixon.

Member American Bar Association, Association of the Bar of the City of New York, American Law Institute, Phi Beta Kappa, Delta Sigma Rho, Phi Delta Phi.

Lecturer on Constitutional and Administrative Law, City of London Polytechnic, 1979; visiting committee J. Reuben Clark Law School, Brigham Young University, 1981-date; lecturer on Law and American History, Tulane University; Ninth Annual Institute on Comparative Law, Grenoble, France, 1981. U.S. Delegate to United Nations Conference on Judicial Remedies Against Abuse of Administrative Authority, 1959; Commission on a National Institute of Justice, American Bar Association; Judicial Conference of U.S. Committee on Rules for Admission to Practice in the Federal Courts 1976-79. Delegate to Republican National Convention, 1960.

Author "Constitutional Alternatives to the Exclusionary Rule," *South Texas Law Journal* Symposium Issue (Fall 1982); "The Exclusionary Rule: Cost and Viable Alternatives," John Jay College of Criminal Justice, *Criminal Justice Ethics*, Vol. 1, No. 2 (Summer/Fall 1982); "Enforcing the Fourth Amendment by Alternatives to the Exclusionary Rule," *National Legal Center for the Public Interest* (March 1982); "The Constant Objective and the Changing Structure of Legal Education," *The Bar Examiner*, Vol. 50, No. 4 (November 1981); "What Rule for the Law School in American Legal Education? Purposefully Restructuring the Law School Curriculum," *Law Review*, J. Reuben Clark Law School, Brigham Young

sioner Supreme Court of Mississippi; 1950-56 Attorney General of Mississippi; 1956-60 Governor of State of Mississippi; 1960-65 member Mississippi House of Representatives, Choctaw County; 1965-79 Judge U.S. Court of Appeals, 5th Circuit appointed by President Johnson; 1979-81 Chief Judge same court; 1981-date Senior Judge same court.

Member Masons (Shriner).

George Washington University, LL.D., 1960; trustee Mississippi College, 1952-56; publisher Choctaw Plaindealer, weekly, 1949-56; Democratic Presidential Elector, 1944

[REDACTED] P.O. Box 1129, Brownsville, Texas 78520. (512-542-5370).
Orig. App'l. Dt. 7-13-79.

Born July 7, 1915, in Brownsville, Texas; married Bertha Champion; children Reynaldo G., David C., Ygnacio Daniel, Bertha Victoria, Monica Bernadette; [REDACTED] 42-45 USAAF.

Brownsville Jr. College, A.A., 1935; University of Texas, B.A., 1937, LL.B., 1939; admitted to Texas bar 1939.

1939-42, 1945-49 law practice Brownsville, Texas; 1950-60 partner Sharpe, Cunningham & Garza; 1960-61 partner Cunningham, Garza & Yznaga; 1961-74 Judge U.S. District Court for Texas, Southern appointed by President Kennedy; 1974-79 Chief Judge same court; 1979-date Judge U.S. Court of Appeals, 5th Circuit appointed by President Carter, now Senior Judge.

Member American Bar Association, Cameron County Bar Association, State Bar of Texas.

University of St. Edwards, Austin, Texas, LL.D; treasurer Cameron County Child Welfare Board, 1950-52; Texas Good Neighbor Commission, 1957-61; trustee Brownsville Independent School District, 1941-42; recipient Pro Ecclesia et Pontifica medal, Pope Pius XII, 1952; decorated Knight, Order of St. Gregory the Great by Pope Pius XII, 1954; commissioner of the City of Brownsville, 1947-49.

COURT OFFICERS

Senior Staff Attorney. William E. Marple, Room 116, 600 Camp Street, New Orleans 70130. (504-589-6935; FTS-682-6935).

Librarian. Maxwell Dodson, U.S. Court of Appeals Courthouse, 600 Camp Street, New Orleans, Louisiana 70130. (504-589-6510; FTS-682-6510).

(Federal Dist. Cts.)

CRIMINAL CASES
MEDIAN INTERVAL (IN MONTHS), CHARGE TO TRIAL

	All Defendants	Jury Trials
All Courts	4.3	6.0
Seventh Circuit	4.9	6.2
Indiana, Southern	5.6	6.0

Of the 225 defendants charged in Indiana, Southern, 33 were not convicted. Charges against 31 of the defendants were dismissed by the court; 2 were acquitted by a jury. The balance of 192 defendants were convicted and sentenced. Of that total 171 entered a plea of guilty; 4 were convicted by the court; and the remaining 17 were convicted by a jury.

Of those convicted, 5 received only a fine while 64 were placed on probation with an average sentence of 27.7 months. A total of 120 defendants were imprisoned with an average sentence (excluding split sentences, indeterminate sentences and youth corrections act offender sentences) of 64.0 months. The average sentence for all courts in 1982 was 58.6 months and for the Seventh Circuit it was 57.3 months.

JUDGES

Chief Judge. Room 255 U.S. Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. 46204. (FTS-331-7458). Orig. App't. Dt. 9-22-61.

Born June 9, 1914, in Petersburg, Indiana; married Mary Eloise Humphreys; children Patricia Jane; Presbyterian; 43-46 U.S. Army to Captain.

Indiana University, A.B., 1936, LL.B., 1938; admitted to Indiana bar 1938.

1938-61 partner Dillin & Dillin, Petersburg, Indiana; 1961-date Judge U.S. District Court for Indiana, Southern appointed by President Kennedy, now Chief Judge.

Member American Bar Association, American Judicature Society, Delta Tau Delta, Phi Delta Phi.

Public Service Commission of Indiana 1942; member Interstate Oil Compact Commission 1949-52, 1961. Member Indiana House of Representatives, Pike and Knox Counties 1937, 39, 41, 51; member Indiana Senate, Pike and Gibson counties 1959, 61 (floor leader, pres. pro tem 1961); candidate for Governor of Indiana 1956.

William E. Steckler. Room 204 U.S. Courthouse, 46 E. Ohio Street, Indianapolis, Indiana 46204. (317-269-7451). Orig. App't. Dt. 4-7-50.

Born October 18, 1913, in Mt. Vernon, Indiana; married Vitallas Alting; children William Rudolph, David Alan; Lutheran; 1943 USNR.

Indiana University, LL.B., 1936, J.D., 1937; admitted to Indiana bar 1936.

1937-50 member Key & Steckler; 1949-50 public counselor Indiana Public Service Commission; 1950-date Judge U.S. District Court for Indiana, Southern appointed by President Truman.

(Fed. Dist. Cts. - Illinois)

██████████ U.S. Courthouse, 219 S. Dearborn Street, Chicago, Illinois 60604. (312-435-5595). Orig. App't. Dt. 2-27-76.

Born October 22, 1912, in New Bedford, Massachusetts; married Virginia Berry Quivers; children Virginia Anne, Barbara Elaine; ██████████ 1942-45 U.S. Army to Captain, Bronze Star.

Howard University, A.B., 1940; Harvard University, LL.B., 1946; admitted to Massachusetts bar 1946, Illinois bar 1947.

1950-51 assistant Attorney General, Illinois; 1951-59 partner Moore, Ming & Leighton, Chicago; 1959-64 partner McCoy, Ming & Leighton, Chicago; 1969-76 judge Circuit Court for Cook County, Illinois; 1976-date Judge U.S. District Court for Illinois, Northern appointed by President Ford.

Member American Bar Association, Illinois Bar Association, American Bar Foundation, Howard University Chicago Alumni Club, John Howard Association, NAACP, National Harvard Law School Association, Phi Beta Kappa.

Elmhurst College, LL.D., 1964; John Marshall Law School, LL.D., 1973; South-eastern Massachusetts University, LL.D., 1976; adjunct professor John Marshall Law School; trustee University of Notre Dame 1979-date. Board of directors Grant Hospital, Chicago. Commissioner, member character and fitness committee for 1st Appellate District Supreme Court of Illinois 1955-63, chairman 1961-62; member Joint Committee for Revision Illinois Criminal Code 1959-63; chairman Illinois Advisory committee U.S. Commission on Civil Rights 1964; member Publication Review Board, UAW, AFL-CIO 1961-70. Recipient Civil Liberties award, Illinois Division ACLU, 1961; named Chicagoan of Year in Law and Judiciary, Junior Association of Commerce and Industry, 1964. Board of directors United Church Board for Homeland Ministries, United Church of Christ. President 3rd Ward Regular Democratic Organization, Cook County, Illinois 1951-53; vice-president 21st Ward 1964.

Nicholas J. Bua. U.S. Courthouse, 219 S. Dearborn Street, Chicago, Illinois 60604. (312-435-5624). Orig. App't. Dt. 10-11-77.

Born February 9, 1925, in Chicago, Illinois; married Camille F. Scordato; children Lisa Annette; Democrat; 1943-45 U. S. Army.

DePaul University, J.D., 1953; admitted to Illinois bar 1953.

1953-54 U.S. Fidelity and Guranty Co., Chicago, Illinois; 1954-55 law practice Chicago, Illinois; 1955-56 Bua & Tinkel, Chicago; 1956-63 Garretson & Bua, Chicago; 1963-64 judge Village Court, Melrose Park, Illinois; 1964-71 associate judge Circuit Court, Cook County, Illinois; 1971-76 judge Cook County Circuit Court; 1976-77 justice Appellate Court of Illinois, First District; 1977-date Judge U.S. District Court for Illinois, Northern appointed by President Carter.

Member American Justinian Society of Jurists, National Lawyers Club, Legal Club of Chicago, Union League.

Lecturer DePaul University. Board of governors Gottlieb Memorial Hospital 1978-date; trustee Schwab Rehabilitation Hospital 1977-date. Member executive committee Judicial Conference of Illinois 1970-77; member faculty Defense Tactics Seminar, Defense Counsel Seminar 1971. Named Man of Year 1977, Justinian So-

FEDERAL JUDICIARY ALMANAC 1984
 (7th. Dist. Cts. - Nebraska)
 CRIMINAL LITIGATION STATISTICS

Nationally, criminal filings increased by 4.2% between 1981-82. Nebraska showed a 2.3% increase from 88 in 1981 to 90 in 1982. Criminal terminations for all districts also increased by 5.7%. Nebraska had a decrease of 3.3%. Of the total number of criminal cases filed in the district during the twelve-month period ended June 30, 1982, 19 were for fraud, 5 for embezzlement, 12 for forgery and counterfeiting and 9 for larceny. The pending caseload for all courts increased by 5.0% for 1982. Nebraska experienced a 4.0% decline from 50 in 1981 to 48 in 1982. The median interval between indictment or information and trial is shown in the table below.

CRIMINAL CASES
 MEDIAN INTERVAL (IN MONTHS), CHARGE TO
 TRIAL

	All Defendants	Jury Trials
All Courts	4.3	6.0
Eighth Circuit	4.2	5.6
Nebraska	5.4	11.5

Of the 137 defendants charged in Nebraska, 25 were not convicted. Charges against 22 of the defendants were dismissed by the court; 3 were acquitted by a jury. The balance of 112 defendants were convicted and sentenced. Of that total 96 entered a plea of guilty; and 11 were convicted by a jury.

Of those convicted, 11 received only a fine while 44 were placed on probation with an average sentence of 39.0 months. The remaining 57 defendants were imprisoned with an average sentence (excluding split sentences, indeterminate sentences and youth corrections act offender sentences) of 47.6 months. The average sentence for all courts in 1982 was 58.6 months and for the Eighth Circuit it was 55.7 months.

JUDGES

Warren K. Urbom, Chief Judge. 586 Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508. (402-471-5231). Orig. App't. Dt. 4-24-70.

Born December 17, 1925, in Atlanta, Nebraska; married Joyce Marie Crawford; children Kim Marie, Randall Crawford, Allison Lee, Joy Renee; United Methodist; 1944-46 U.S. Army.

Nebraska Wesleyan University, A.B. (with highest distinction) 1950; Iliff School of Theology, Denver, 1950; University of Michigan, J.D. (with distinction) 1953.

1953-70 member Baylor, Evnen, Baylor, Urbom and Curtis, Lincoln, Nebraska; 1970-72 Judge U.S. District Court for Nebraska appointed by President Nixon; 1972-date Chief Judge same court.

Member American Bar Association, Nebraska Bar Association, Lincoln Bar Association, Masons (33rd deg.).

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Board of governors Nebraska Wesleyan University, chairman 1975-80. Board of directors Lincoln YMCA, president 1965-67. Member committee on practice and procedure Nebraska Supreme Court 1965; member subcommittee on federal jurisdiction Judicial Conference of U.S. 1975-date; member house of delegates Nebraska Bar Association 1966-70; president Lincoln Bar Association 1968-69. Board of managers, board of global ministries for United Methodist Church 1972-76.

Albert G. Schatz. 9420 U.S. Courthouse and Post Office Building, P.O. Box 607, Downtown Station, Omaha, Nebraska 68101. (402-221-3421). Orig. App't. Dt. 5-11-73.

Born August 4, 1921, in Omaha, Nebraska; married Mary Jean Murray (dec'd); children Gregory M., Thomas G., Philip H., Mary C., Ann, Jane; married 2nd Donna Reese Kennedy; Roman Catholic; Republican; 1943-46 USMC to Captain.

Creighton Preparatory, Omaha, Nebraska, 1939; University of Nebraska, A.B., 1943; Creighton University, LL.B., 1948; admitted to Nebraska bar 1948.

1946-48 Mutual of Omaha; 1948-50 law clerk Judge Joseph W. Woodrough, U.S. Court of Appeals, Eighth Circuit; 1950-73 associate and partner Gross, Welch, Vinardi, Kauffman, Schatz and Day, Omaha, Nebraska; 1973-date Judge U.S. District Court for Nebraska appointed by President Nixon.

Member Omaha Bar Association, Nebraska Bar Association, American Bar Association, American Judicature Society, American College of Trial Lawyers, American Trial Lawyers Association, Omaha Press Club, Sigma Nu, Rotary.

Member Judicial Conference of the United States and member of executive committee 1979-83. Creighton Man of the Year 1973; Notre Dame University Man of the Year 1973.

Clarence A. Beam. P.O. Box 1297, Omaha, Nebraska 68101. (402-221-3615). Orig. App't. Dt. 1-8-82.

Born January 14, 1930, in Stapleton, Nebraska; married Betty Fletcher; five children; Republican; 1951-53 U.S. Army.

University of Nebraska, B.S., 1951; University of Nebraska College of Law, 1953-54, J.D., 1965; admitted to Nebraska bar 1965.

1965-71 associate then partner Chambers, Holland and Dudgeon; 1971-82 partner Knudsen, Berkheimer, Beam, Richardson and Endacott; 1982-date Judge U.S. District Court for Nebraska appointed by President Reagan.

SENIOR JUDGES

Robert Van Pelt. 566 Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508. (402-471-5228). Orig. App't. Dt. 6-13-57.

Born September 9, 1897, in Gosper County, Nebraska; married Mildred Carter; children Margery Irvin (Mrs. James), Judge Samuel Van Pelt (Third Judicial District of Nebraska); Congregationalist; Republican.

Franklin Academy (Nebraska) 1914; Doane College, A.B. (cum laude) 1920; University of Nebraska, LL.B., 1922; admitted to Nebraska bar 1922.

1921-24 Stewart, Perry and Stewart, Lincoln, Nebraska; 1925-26 partner Stewart, Perry, Stewart and Van Pelt; 1926-28 partner Perry and Van Pelt; 1928-30 partner

(7th. Dist. Courts - Oregon)
CRIMINAL LITIGATION STATISTICS

Nationally, criminal filings increased by 4.2% between 1981-82. Oregon showed a 30.5% decrease from 190 in 1981 to 132 in 1982. Criminal terminations for all districts also increased by 5.7%. Oregon had a decrease of 18.4%. Of the total number of criminal cases filed in the district during the twelve-month period ended June 30, 1982, 24 were for fraud, 20 for embezzlement, 2 for forgery and counterfeiting and 11 for larceny. The pending caseload for all courts increased by 5.0% for 1982. Oregon experienced a 7.2% decline from 111 in 1981 to 103 in 1982. The median interval between indictment or information and trial is shown in the table below.

CRIMINAL CASES
MEDIAN INTERVAL (IN MONTHS), CHARGE TO
TRIAL

	All Defendants	Jury Trials
All Courts	4.3	6.0
Ninth Circuit	4.2	5.7
Oregon	5.4	6.5

Of the 183 defendants charged in Oregon, 35 were not convicted. Charges against 30 of the defendants were dismissed by the court; 4 were acquitted by a jury. The balance of 148 defendants were convicted and sentenced. Of that total 112 entered a plea of guilty; 9 were convicted by the court; and 25 were convicted by a jury.

Of those convicted, 1 received only a fine while 45 were placed on probation with an average sentence of 45.9 months. A total of 101 defendants were imprisoned with an average sentence (excluding split sentences, indeterminate sentences and youth corrections act offender sentences) of 114.0 months. The average sentence for all courts in 1982 was 58.6 months and for the Ninth Circuit it was 58.7 months.

JUDGES

James M. Burns, Chief Judge. 717 U.S. Courthouse, Portland, Oregon 97205. (503-221-3908). Orig. App't. Dt. 6-2-72.

Born November 24, 1924, in Portland, Oregon; married Helen E.; children Mary Agnes, Nancy M., Elizabeth A., Molly Megan, Barbara Lee; [REDACTED] 1943-45 U.S. Army.

University of Portland, B.A., 1947; Loyola University, J.D. (cum laude) 1950; admitted to Oregon bar 1950.

1950-51 law practice with Harry R. Krause, Portland, Oregon; 1951-52 law practice Portland, Oregon; 1952-56 district attorney for Harney County, Oregon; 1956-60 member Black, Kendall & Tremaine, Portland, Oregon; 1960-61 law practice with Harvey S. Benson; 1961-66 partner Benson, Whitely, McLennan & Burns; 1966-72 judge Circuit Court of Oregon, Multnomah County, Oregon; 1972-date Judge U.S. District Court for Oregon appointed by President Nixon.

School(s): Harvard C., Cambridge, MA 1884-1888 Degree: B.A.; Harvard Law Sch., Cambridge, MA 1888-1891 Degree: LL.B. Nominations for appointment: Court: N.D. IL, Pres: Taft, Res: Chicago, IL, Party: Repn., Jan. 11, 1910 Employment: Law Ofc., Chicago, IL, 1891-1906; C.C. Cook County, Chicago, IL, 1906-1910, J.; Tenney, Harding, Sherman & Rogers, Chicago, IL, 1933-1944, Coun. Admitted to practice: 1890, IL Family: Father, George B.; Mother, Elizabeth Married: Harriet, May 20, 1894 Children: Katherine Snow Carpenter (Birmingham), Daughter; George Benjamin Carpenter, Son; Isham Carpenter, Son.

CARPENTER, GEORGE MOULTON Born: Apr. 22, 1844, Portsmouth, RI (M) Died: July 31, 1896 Interred: Swan Point Cemetery, Providence, RI School(s): Brown U., Providence, RI -1864 Nominations for appointment: Court: D. RI, Pres: Arthur, Res: Providence, RI, Dec. 16, 1884 Employment: Self, Providence, RI, 1867-1882, lawyer; State of RI, Providence, RI, 1882-1885, Assoc. Justice, RI Sup. Ct. Memberships: mem., Code Revision Commn. of RI, 1880-1881; pres., Providence Bar Club Admitted to practice: 1867, RI Family: Father, George Moulton; Mother, Sarah Lewis; Mother, Harriet Johnson (step).

CARR, CHARLES HARDY Born: Aug. 18, 1903, Coahoma, MS (M) Died: Mar. 13, 1976 Interred: CA School(s): Vanderbilt U., Nashville, TN 1920-1924 Degree: A.B.; Yale Law Sch., New Haven, CT 1924-1926 Degree: LL.B. Nominations for appointment: Court: S.D. CA, Pres: Kennedy, Res: Beverly Hills, CA, Party: Dem., July, 1962 Employment: U.S. Senator K. D. McKellar, Memphis, TN, 1926-1929; Southwestern U., Los Angeles, CA, 1930-1931; Pvt. prac. of law, Los Angeles, CA, 1931-33, 1940-43, 1946-62; Los Angeles, CA, 1933-1936, asst. U.S. atty.; U.S. atty. gen., 1936-1940, special asst.; S.D. of CA, 1943-1946, U.S. atty. Memberships: mem., A.B.A.; mem., NY State B.A.; mem., Los Angeles County B.A.; mem., Intl. (patron) B.A.; mem., Greater Los Angeles Press Club; mem., Kappa Alpha, Phi Alpha Delta Admitted to practice: 1926, TN; 1931, CA; 1937, Sup. Ct. Family: Father, Charles Hardy; Mother, Maibelle Married: Margaret, Aug. 1, 1936 Children: Darrell V. Cole, Son (step); James Applewhite Cole, Son (step).

CARR, GEORGE CARTER Born: July 26, 1929, Lakeland, FL (M) School(s): U. of NC, Chapel Hill, NC Sept. 1947-Dec. 1948; U. of FL, Gainesville, FL Jan. 1949-June 1951 Degree: B.S. and B.A.; U. of FL Law Sch., Gainesville,

FL July 1951-Jan. 1954 Degree: LL.B. Nominations for appointment: Court: M.D. FL, Pres: Carter, Res: Lakeland, FL, Party: Dem., Nov. 21, 1977 Employment: Sole practitioner, 1954-1957, Lawyer; Carr, Chiles & Ellsworth, 1957-1963, ptrn.; Bently, Miller, Sinder, Carr, Chiles & Ellsworth, 1963-1967, ptrn.; Carr & Chiles, 1967-1969, ptrn.; Peterson, Carr & Harris, 1969-1977, ptrn.; Sole practitioner, 1977-1978, owner; Polk County, 1959-1973, asst. county atty.; Polk County, 1973-1978, county atty. Memberships: FL Bar - former mem. Bd. of Govs. Jr. Bar Sect. 1959-1961; A.B.A.; Am. Jud. Soc.; 10th Judl. Cir. B.A.; Lakeland B.A. - vice pres., 1960; pres., 1965-1966; secy. treas., 1977-1978; former mem. and chm. of 10th Judl. Cir. Grievance Comm. "A"; Phi Delta Phi legal frat. Admitted to practice: 1954, FL Family: Father, George McClure; Mother, Thelma Married: Anna Lee, Mar. 26, 1951; Susan, June 30, 1967 Children: Thelma Christine Carr, Daughter; Mary Lee Carr, Daughter; Anna Elizabeth Carr, Daughter; George C. Carr, Jr., Son; Robert Myrick, Son (step).

CARR, PATRICK EUGENE Born: Oct. 2, 1922, Jasper County, MS (M) School(s): St. Bernard Jr. C., Cullman, AL Sept. 1940-June 1942 Degree: A.A.; Loyola U., New Orleans, LA Feb. 1946-June 1947; Loyola U. Law Sch. Sept. 1947-June 1950 Degree: LL.B. Nominations for appointment: Court: E.D. LA, Pres: Carter, Res: Metairie, LA, Party: Dem., June 13, 1979 Employment: USAAF, June 1942-Oct. 1945, T. Sgt.; Willis C. McDonald & Harold A. Buckler, Aug. 1950-Dec. 1950, Assoc. lawyer; McDonald & Buckler, Metairie, LA, Jan. 1950-Dec. 1959, Assoc. lawyer; McDonald, Buckler & Carr, Metairie, LA, Jan. 1960-Aug. 1964, Ptnr.; Carr & Karlin, Metairie, LA, Aug. 1964-June 1975, Ptnr.; 24th Judl. Dist. Ct., Parish of Jefferson, LA, June 1975-Oct. 1979, J. Memberships: A.B.A.; LA B.A.; Jefferson Parish Air Base (pres. 1961-1962); Am. Jud. Soc.; St. Thomas More Law Club Admitted to practice: 1950, LA Family: Father, Eugene Alfonse; Mother, Sarah Married: Jean, Dec. 20, 1947 Children: Karen Ann Carr Krips, Daughter; Stanley Patrick Carr, Son; Judith Marie Carr Vauthier, Daughter; Janice Noel Carr, Daughter; Patrick Eugene Carr, Jr., Son; Mary Elizabeth Carr, Daughter; Brian Thomas Carr, Son.

Born: Mar. 26, 1925, Tucson, AZ (M) School(s): AZ State Teachers C., Flagstaff, AZ Nov. 1943-June 1944; UCLA, Los Angeles, CA June 1944-Nov. 1945;

Harvard U., Cambridge, MA Nov. 1945-Feb. 1946; U. of AZ, Tucson, AZ Jan. 1947-Apr. 1948 Degree: B.S.; U. of AZ, Tucson, AZ Sept. 1948-May 1951 Degree: LL.B. Nominations for appointment: Court: D. AZ. Pres: Carter, Res: Phoenix, AZ, [REDACTED] May 30, 1980 Employment: USN, 1943-1946, Ens., USN(R); State of AZ, Phoenix, AZ, 1951-1952, Law clerk; Evans, Hull, Kitchel & Jenckes, Phoenix, AZ, 1952-1970, Ptnr.; City of Tombstone, AZ, 1962-1965, Special coun.; Evans, Kitchel & Jenckes, P.A., Phoenix, AZ, 1970-1981, Shareholder vice-pres.; State of AZ, Phoenix, AZ, 1978-1980, AZ Bd. of Regents Honors: Ranked first in July 1951 state bar exam., AZ, 1951; Elected Fellow in American C. of Trial Lawyers, 1968; Founding mem., J. Byron McCormick Soc., U. of AZ, 1978 Publications: Authored portion of publication Practice Before the Corporation Commission used with continuing legal educ. program, 1976, 1976 Memberships: Volunteer atty., Juv. Ct., Phoenix, AZ, 1967; mem. and first pres., bd. of visitors, U. of AZ C. of Law, 1970-1975; mem., bd. of dirs. and pres. (1975), U. of AZ Law C. Assn., 1970-1978; Gov. Ad Hoc Comm. to Recommend Judl. Appts., 1970-1974; 1956, chm., State Jr. Bar; 1957, chm., State Bar Bldg. Comm.; 1963, 1973, chm., State Bar Ad. Law Comm.; 1979-1980, arbitrator, State Bar Fee Proc.; panel mem., American Arbitration Assn., 1956-1980; 1972, 1978-1980, state chm., American C. of Trial Lawyers, 1972-1980 Admitted to practice: 1951, AZ Family: Father, John Vernon; Mother, Ruby Married: Louise Rowlands, Nov. 1, 1952 Children: Katherine Carroll Pearson, Daughter; Margaret Ann Carroll, Daughter.

CARSON, ADAM CLARKE Born: Jan. 14, 1869, Enniskillen, Ire. (M) Died: May 23, 1941 Interred: Prospect Hill Cemetery, Front Royal, VA School(s): U. of VA Law Sch., Charlottesville, VA Degree: LL.B. Nominations for appointment: Court: Sup. Ct., Philippine Islands, Pres: Roosevelt, T., Res: Manila, Philippine Islands, Dec. 6, 1904 Employment: Self, VA, 1898-, lawyer; U.S. Govt., DC, 1898-1901, capt.; Ct. of 1st Instance, 1901-1904, J.; Carson & Carson, NYC, 1920-1924, lawyer; Riverton Lime and Stone Co., Riverton, VA, 1925-1941, secy.-treas. Memberships: Judge Adv. Gen., Philippine Natl. Guard, 1917-1918 Read law: Winchester, VA, Richard Evelyn Byrd Admitted to practice: 1893, VA Family: Father, Samuel; Mother, Annie Married: Eleanor, May 12, 1908 Children: E. Carson (Hendrick), Daughter; Caroline Carson, Daughter.

CARSWELL, GEORGE HARROLD Born: Dec. 22, 1919, Irwinton, GA (M) School(s): Duke U. Degree: A.B.; U. of GA Law Sch., Athens, GA 1941-1942; Post-grad. Sch., U.S. Naval Acad. 1945; Mercer U., Macon, GA -1948 Degree: LL.B. Nominations for appointment: Court: N.D. FL, Pres: Eisenhower, Party: Repn., 1958; Court: 5th Cir., Pres: Nixon, Party: Repn., 1969; Court: US Sup. Ct., Pres: Nixon, Party: Repn., 1970 (not confirmed) Employment: Ausley, Collins & Truett, Tallahassee, FL, 1948-1951, Atty.; Carswell, Cotton & Shivers, 1951-1953, Ptnr.; N.D. FL, 1953-1958, U.S. atty.; USN(R), 1941-1945, Lt.; Law Prac., Tallahassee, FL, 1970, Atty. Memberships: mem., A.B.A.; mem., GA B.A.; mem., FL B.A.; mem., Am. Jud. Soc. Admitted to practice: 1948, GA Family: Father, George Henry; Mother, Ethel Claire Married: Virginia, Sept. 5, 1944 Children: Virginia Ramsay Carswell, Daughter; Sarah Nan Carswell, Daughter; George Harrold Carswell, Son; Scott Simmons Carswell, Son.

CARTER, JAMES MARSHALL Born: Mar. 11, 1904, Santa Barbara, CA (M) School(s): Pomona C., Claremont, CA 1920-1924 Degree: A.B.; Harvard Law Sch., Cambridge, MA 1924-1925; U. of Southern CA Law Sch., Los Angeles, CA 1925-1927 Degree: J.D.; U. of Southern CA, Los Angeles 1927-1930 Nominations for appointment: Court: S.D. CA (new S.D. CA created from old S.D. CA), Pres: Truman, Res: Los Angeles, CA, Party: Dem., Oct. 18, 1949; Court: 9th Cir., Pres: Johnson, L. B., Res: San Diego, CA, Party: Dem., Nov. 16, 1967 Employment: Hary Irwin & John C. Packard, L.A., 1928-1929, Lawyer; Howard F. Shepherd, Los Angeles, Mar. 1929-Mar. 1930, lawyer; Self, law prac., Los Angeles, Mar. 1930-July 1940, lawyer; State of CA, Sacramento, CA, July 1940-Dec. 31, 1942, dir., dept. of motor vehicles; Self, law prac., Los Angeles, Jan. 1, 1943-July 10, 1943, lawyer; U.S. Govt., July 10, 1943-Aug. 9, 1946, ch. asst. U.S. atty.; U.S. Govt., Aug. 9, 1946-Oct. 26, 1949, U.S. atty.; Los Angeles Bd. of Educ., Police Sch., Mar. 1934-1935, teacher part-time; Los Angeles Bd. of Educ., Sept. 1925-Mar. 1928, teacher, physical educ., one-half time Honors: Honry. degree, LL.D., from U. of San Diego Sch. of Law, San Diego, CA, 1962 Memberships: mem., A.B.A., State Bar of CA, Los Angeles County B.A., San Diego County B.A.; Inst. of Judl. Admin., 1961; Natl. Council of J.J., 1968-1972; Comm. on Pretrial Procedures in Fed. Cts., U.S. Judl. Conf., 1960-1968; Comm. on Ct. Admin., U.S. Judl. Conf., 1964-1968; Comm. to Implement the Crim. Justice Act, U.S. Judl.

(Federal Dist. Courts - Calif) 1984

University of Southern California, 1951; Southwestern University School of Law, 1956; admitted to California bar 1956.

1957-60 attorney District Attorney's Office County of San Diego; 1960-70 partner Thompson & Thompson San Diego, California; 1970-date Judge U.S. District Court for California, Southern appointed by President Nixon.

Member American Board of Trial Advocates, American Bar Association, San Diego County Bar Association, Delta Chi.

Board of visitors University of San Diego.

Leland C. Nielsen. U.S. Courthouse, 940 Front Street, Courtroom 5, San Diego, California 92189. (619-293-5391). Orig. App't. Dt. 5-20-71.

Born June 14, 1919, in Vesper, Kansas; married Virginia G.; children Christena, three step-children; Presbyterian; [REDACTED] 41-46 USAAF to Major.

Vesper High School, Vesper, Kansas, 1935; Washburn University (Topeka, Kansas) A.B., 1946; University of Southern California at Los Angeles, J.D., 1947; admitted to California bar 1947.

1947-51 deputy City Attorney, Los Angeles, California; 1951-58 associate, partner Luce, Forward, Kunzel & Scripps, San Diego, California; 1958-68 partner Schall, Nielsen & Boudreau, San Diego; 1968-71 Judge Superior Court of San Diego County; 1971-date Judge U.S. District Court for California, Southern appointed by President Nixon.

Member American Board of Trial Advocates, American College of Trial Lawyers.

Carl Raymond Gray Scholarship winner 1934.

William B. Enright. U.S. Courthouse, 940 Front Street, Courtroom 3, San Diego, California 92189. (619-293-5537). Orig. App't. Dt. 6-30-72.

Born July 12, 1925, in New York City; married Bette Lou Card; children Kevin A., Kimberly A., Kerry K.; Democrat; 1943-46 USNR to Ensign.

Dartmouth College, A.B., 1947; Loyola University at Los Angeles, LL.B., 1950; admitted to California bar 1951.

1951-54 deputy District Attorney San Diego County, California; 1954-57 Brown & Von Kalinowski; 1957-72 Harelson, Enright, Von Kalinowski & Levitt, San Diego, California; 1972-date Judge U.S. District Court for California, Southern appointed by President Nixon.

Member American Bar Association, San Diego County Bar Association, State Bar of California, Dartmouth Club of San Diego, American Judicature Society, American College of Trial Lawyers, American Bar Foundation, American Board of Trial Advocates, Alpha Sigma Nu, Phi Delta Phi, Rotary.

California Board of Legal Specialization 1970-72. Member advisory board Joint Legislature Committee for Revision of Penal Code 1970-72; member Judicial Council of U.S., 1972; board of directors Defenders 1965-72, president 1972; president San Diego County Bar Association 1965; Governor State Bar of California 1967-70, vice president 1970. Recipient Honor Award San Diego County Bar Association, 1970; Extraordinary Service to Legal Profession award Municipal Court of San Diego Judicial District 1971.

UNITED STATES SENTENCING COMMISSION

Judicial Branch
(Justice)

AUTHORITY: 28 U.S.C. 991, et seq.
P.L. 98-473, Title II ("Comprehensive Crime Control Act of 1984"), Chapter II ("Sentencing Reform Act of 1984"), Sec. 217, October 12, 1984, effective October 12, 1984

METHOD: Nominated to the Senate and see below

MEMBERS: NINE (until November 2, 1991, on which date the Chairman of the United States Parole Commission ceases to be a Member, and the total membership is reduced to eight), as follows:

Chairman of the United States Parole Commission,
ex officio, non-voting (thru November 1, 1991);
Attorney General, or his designee, ex officio,
non-voting;

and

Seven voting Members, including a Chairman

Not more than four of the Members shall be members of the same political party. (Bi-partisan)

Members shall be appointed after consultation with representatives of judges, prosecuting attorneys, defense attorneys, law enforcement officials, senior citizens, victims of crime, and others interested in the criminal justice process.

At least three of the Members shall be Federal judges in regular active service selected after considering a list of six judges recommended to the President by the Judicial Conference of the United States.

A Federal judge may serve as a Member of the Commission without resigning his appointment as a Federal judge.

The Chairman and Members shall be subject to removal from the Commission by the President only for neglect of duty or malfeasance in office or for other good cause shown.

UNITED STATES SENTENCING COMMISSION (Cont'd)

Judicial Branch
(Justice)

CHAIRMAN: Appointed by the President from among the voting membership, by and with the advice and consent of the Senate

TERM: SIX YEARS, except that the terms of the first Members shall not begin to run until the sentencing guidelines go into effect (_____), and the initial terms of the first Members of the Commission shall be staggered so that:

two Members, including the Chairman, serve terms of six years;

three Members serve terms of four years;
and

two Members serve terms of two years.

A voting Member appointed to fill a vacancy that occurs before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. (NOT HOLDOVER)

No voting Member may serve more than two full terms.

SALARY: The Chairman of the Commission shall hold a full-time position and shall be compensated during the term of office at the annual rate at which judges of the United States courts of appeals are compensated.

The voting Members of the Commission, other than the Chairman, shall hold full-time positions until the end of the first six years after the sentencing guidelines go into effect (through _____) and shall be compensated at the annual rate at which judges of the United States courts of appeals are compensated. Thereafter, the voting members of the Commission, other than the Chairman, shall hold part-time positions and shall be paid at the daily rate at which judges of the United States courts of appeals are compensated.

Judicial Branch
(Justice)

PURPOSE:

To establish sentencing policies and practices for the Federal criminal justice system that assure the meeting of the purposes of sentencing; provide certainty and fairness in meeting the purposes of sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices; reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process; and develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing.

NOTE TO THE EFFECTIVENESS
OF THIS ACT:

- (1) Pursuant to the provisions of P.L. 98-473, Title II, Chapter II, Sec. 235(a)(1)(B)(i), the Commission shall submit the initial sentencing guidelines to the Congress not later than April 11, 1986 (submitted _____).
- (2) Pursuant to Sec. 235(a)(1)(B)(ii) of the Act, the sentencing guidelines so submitted shall not go into effect until the day after:
 - (a) the Commission has submitted the initial set of sentencing guidelines to the Congress pursuant to paragraph (1), above, along with a report stating the reasons for the Commission's recommendations;
 - (b) the General Accounting Office has undertaken a study of the guidelines, and their potential impact in comparison with the operation of the existing sentencing and parole release system, and has, within 150 days of submission of the guidelines, reported to the Congress the result of its study; and
 - (c) the Congress has had six months after the date of the Commission's submission of the initial guidelines in which to examine the guidelines and consider the reports (_____).
- (3) The sentencing guidelines go into effect on _____, the day after the date cited in (c), above.

UNITED STATES SENTENCING COMMISSION (Cont'd)

Judicial Branch
(Justice)

NOTE: Although the "Sentencing Reform Act" creates the U.S. Sentencing Commission and calls for the eventual termination of the U.S. Parole Commission, questions remain as to how this transition would be accomplished.

The Act provides for the termination of the U.S. Parole Commission on November 1, 1986, but then permits those Commissioners who are in office on that date to continue serving in their respective positions through November 1, 1991. Because the law was not clear in this matter, we contacted Deputy Assistant Attorney General Ron Gainer who advised us on December 13, 1984, that the Department of Justice was also not clear on this provision and that technical, corrective legislation might be sought from the 99th Congress early in its First Session. He will advise us once this matter is clarified.

Once the question is resolved, new, updated authority sheets will be prepared for both the U.S. Sentencing Commission and the U.S. Parole Commission.

Executive Clerk's Office
December 19, 1984