

**APPENDIX D**  
**A Survey of Article III Judges on The Federal Sentencing Guidelines**  
**Responses of Circuit Judges**

**Question 1** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, provide punishment levels that reflect the seriousness of the offense?

CIRCUIT JUDGES i. ii. Considering only defendants convicted of these crimes:

CIRCUIT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1 Few</b>	1	1.4	7	9.6	3	4.3	3	4.2	3	4.2	0	0.0	4	6.2	9	13.0
<b>2</b>	7	10.1	15	20.5	3	4.3	8	11.1	6	8.5	5	7.5	9	13.8	10	14.5
<b>3</b>	12	17.4	17	23.3	9	13.0	10	13.9	13	18.3	6	9.0	10	15.4	11	15.9
<b>4</b>	15	21.7	6	8.2	10	14.5	17	23.6	12	16.9	16	23.9	9	13.8	12	17.4
<b>5</b>	17	24.6	11	15.1	21	30.4	18	25.0	23	32.4	16	23.9	17	26.2	13	18.8
<b>6 Almost All</b>	17	24.6	17	23.3	23	33.3	16	22.2	14	19.7	24	35.8	16	24.6	14	20.3
<b>Total</b>	69	100.0	73	100.0	69	100.0	72	100.0	71	100.0	67	100.0	65	100.0	69	100.0
<b>Missing</b>	7	—	3	—	7	—	4	—	5	—	9	—	11	—	7	—
<b>Mean</b>	4.3		3.7		4.6		4.2		4.2		4.7		4.1		3.8	
<b>Median</b>	4.0		3.0		5.0		4.0		5.0		5.0		5.0		4.0	

**Question 1** For those cases where you believe that the guideline punishment levels *do not reflect* the seriousness of the crime, was it because the punishment was generally *less than appropriate*, *more than appropriate*, or *sometimes greater/sometimes less*?

(continued)

iii. Considering only defendants where punishment did not reflect seriousness:

	Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>Less</b>	1	1.9	7	23.3	29	64.4	22	55.0	8	28.6	13	38.2	17	36.2
<b>Greater</b>	43	82.7	17	56.7	6	13.3	8	20.0	8	28.6	11	32.4	21	44.7
<b>Sometimes</b>	8	15.4	6	20.0	10	22.2	10	25.0	12	42.9	10	29.4	9	19.1
<b>Total</b>	52	100.0	30	100.0	45	100.0	40	100.0	28	100.0	34	100.0	47	100.0
<b>Missing</b>	24	—	46	—	31	—	36	—	48	—	42	—	29	—
<b>Mean</b>		2.1		2.0		1.6		1.7		2.1		1.9		1.8
<b>Median</b>		2.0		2.0		1.0		1.0		2.0		2.0		2.0

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of Circuit Judges

**Question 2** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, involve mandatory minimum provisions that *affect* the court's ability to impose sentences that reflect the statutory purposes of sentencing?

i. ii. Considering only defendants with mandatory minimum convicted of these crimes:

CIRCUIT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	<b>1 Few</b>	13	19.1	11	16.4	13	22.0	25	43.9	23	42.6	24	43.6	22	43.1	22
<b>2</b>	10	14.7	6	9.0	7	11.9	11	19.3	11	20.4	8	14.5	9	17.6	11	19.6
<b>3</b>	12	17.6	13	19.4	12	20.3	7	12.3	9	16.7	7	12.7	10	19.6	12	21.4
<b>4</b>	16	23.5	8	11.9	5	8.5	6	10.5	5	9.3	9	16.4	4	7.8	1	1.8
<b>5</b>	11	16.2	14	20.9	13	22.0	2	3.5	1	1.9	2	3.6	1	2.0	4	7.1
<b>6 Almost All</b>	6	8.8	15	22.4	9	15.3	6	10.5	5	9.3	5	9.1	5	9.8	6	10.7
<b>Total</b>	68	100.0	67	100.0	59	100.0	57	100.0	54	100.0	55	100.0	51	100.0	56	100.0
<b>Missing</b>	8	—	9	—	17	—	19	—	22	—	21	—	25	—	20	—
<b>Mean</b>	3.3		3.8		3.4		2.4		2.4		2.5		2.4		2.5	
<b>Median</b>	3.0		4.0		3.0		2.0		2.0		2.0		2.0		2.0	

**Question 3** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, afford adequate deterrence to criminal conduct?

i. ii. Considering only defendants convicted of these crimes:

CIRCUIT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	<b>1 Few</b>	3	4.8	7	10.9	4	6.6	3	4.9	1	1.7	2	3.3	4	6.9	8
<b>2</b>	4	6.5	3	4.7	2	3.3	4	6.6	4	6.7	3	4.9	7	12.1	9	14.5
<b>3</b>	6	9.7	5	7.8	5	8.2	16	26.2	16	26.7	13	21.3	13	22.4	13	21.0
<b>4</b>	11	17.7	3	4.7	5	8.2	9	14.8	10	16.7	8	13.1	5	8.6	1	1.6
<b>5</b>	19	30.6	13	20.3	16	26.2	11	18.0	13	21.7	13	21.3	12	20.7	11	17.7
<b>6 Almost All</b>	19	30.6	33	51.6	29	47.5	18	29.5	16	26.7	22	36.1	17	29.3	20	32.3
<b>Total</b>	62	100.0	64	100.0	61	100.0	61	100.0	60	100.0	61	100.0	58	100.0	62	100.0
<b>Missing</b>	14	—	12	—	15	—	15	—	16	—	15	—	18	—	14	—
<b>Mean</b>	4.5		4.7		4.9		4.2		4.3		4.5		4.1		3.9	
<b>Median</b>	5.0		6.0		5.0		4.0		4.0		5.0		4.5		4.5	

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of Circuit Judges

**Question 4** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, protect the public from further crimes of the defendant?

CIRCUIT JUDGES i. ii. Considering only defendants convicted of these crimes:

CIRCUIT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	<b>1 Few</b>	1	1.6	2	2.9	1	1.6	2	3.2	4	6.5	2	3.2	5	8.3	11
<b>2</b>	3	4.8	2	2.9	4	6.3	8	12.9	5	8.1	5	7.9	9	15.0	9	14.5
<b>3</b>	13	21.0	9	13.2	11	17.2	11	17.7	13	21.0	9	14.3	14	23.3	11	17.7
<b>4</b>	12	19.4	7	10.3	6	9.4	14	22.6	10	16.1	13	20.6	6	10.0	1	1.6
<b>5</b>	18	29.0	16	23.5	14	21.9	8	12.9	12	19.4	10	15.9	9	15.0	13	21.0
<b>6 Almost All</b>	15	24.2	32	47.1	28	43.8	19	30.6	18	29.0	24	38.1	17	28.3	17	27.4
<b>Total</b>	62	100.0	68	100.0	64	100.0	62	100.0	62	100.0	63	100.0	60	100.0	62	100.0
<b>Missing</b>	14	—	8	—	12	—	14	—	14	—	13	—	16	—	14	—
<b>Mean</b>	4.4		4.9		4.8		4.2		4.2		4.5		3.9		3.8	
<b>Median</b>	5.0		5.0		5.0		4.0		4.0		5.0		4.0		3.5	

**Question 5** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied where rehabilitation was appropriate, provide defendants with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner?

CIRCUIT JUDGES i. ii. Considering only defendants needing services convicted of these crimes:

CIRCUIT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	<b>1 Few</b>	19	32.8	24	45.3	17	34.0	16	31.4	16	32.0	17	34.7	21	43.8	22
<b>2</b>	12	20.7	8	15.1	12	24.0	11	21.6	10	20.0	9	18.4	7	14.6	9	18.0
<b>3</b>	6	10.3	4	7.5	3	6.0	3	5.9	5	10.0	5	10.2	3	6.3	5	10.0
<b>4</b>	8	13.8	4	7.5	4	8.0	8	15.7	7	14.0	5	10.2	5	10.4	2	4.0
<b>5</b>	5	8.6	5	9.4	5	10.0	5	9.8	4	8.0	5	10.2	4	8.3	4	8.0
<b>6 Almost All</b>	8	13.8	8	15.1	9	18.0	8	15.7	8	16.0	8	16.3	8	16.7	8	16.0
<b>Total</b>	58	100.0	53	100.0	50	100.0	51	100.0	50	100.0	49	100.0	48	100.0	50	100.0
<b>Missing</b>	18	—	23	—	26	—	25	—	26	—	27	—	28	—	26	—
<b>Mean</b>	2.9		2.7		2.9		3.0		2.9		2.9		2.8		2.6	
<b>Median</b>	2.0		2.0		2.0		2.0		2.0		2.0		2.0		2.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of Circuit Judges

**Question 6** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct?

CIRCUIT JUDGES i. ii. Considering only defendants convicted of these crimes:

CIRCUIT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1 Few</b>	4	5.9	9	13.6	4	6.5	4	6.3	4	6.6	3	5.0	6	10.2	6	10.0
<b>2</b>	6	8.8	7	10.6	5	8.1	2	3.2	4	6.6	1	1.7	2	3.4	4	6.7
<b>3</b>	9	13.2	8	12.1	9	14.5	14	22.2	12	19.7	10	16.7	11	18.6	12	20.0
<b>4</b>	16	23.5	14	21.2	11	17.7	14	22.2	12	19.7	13	21.7	9	15.3	8	13.3
<b>5</b>	22	32.4	15	22.7	16	25.8	13	20.6	13	21.3	18	30.0	16	27.1	16	26.7
<b>6 Almost All</b>	11	16.2	13	19.7	17	27.4	16	25.4	16	26.2	15	25.0	15	25.4	14	23.3
<b>Total</b>	68	100.0	66	100.0	62	100.0	63	100.0	61	100.0	60	100.0	59	100.0	60	100.0
<b>Missing</b>	8	—	10	—	14	—	13	—	15	—	16	—	17	—	16	—
<b>Mean</b>	4.2		3.9		4.3		4.2		4.2		4.5		4.2		4.1	
<b>Median</b>	4.0		4.0		5.0		4.0		4.0		5.0		5.0		4.5	

**Question 7** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, provide certainty in meeting the purposes of sentencing?

CIRCUIT JUDGES i. ii. Considering only defendants convicted of these crimes:

CIRCUIT JUDGES	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1 Few</b>	1	1.6	4	6.3	1	1.7	2	3.2	2	3.4	2	3.5	5	9.1	6	10.9
<b>2</b>	6	9.4	7	11.1	4	6.7	5	8.1	5	8.5	2	3.5	4	7.3	2	3.6
<b>3</b>	14	21.9	10	15.9	13	21.7	14	22.6	11	18.6	10	17.5	7	12.7	10	18.2
<b>4</b>	15	23.4	10	15.9	8	13.3	16	25.8	15	25.4	15	26.3	10	18.2	9	16.4
<b>5</b>	16	25.0	17	27.0	20	33.3	11	17.7	13	22.0	15	26.3	17	30.9	16	29.1
<b>6 Almost All</b>	12	18.8	15	23.8	14	23.3	14	22.6	13	22.0	13	22.8	12	21.8	12	21.8
<b>Total</b>	64	100.0	63	100.0	60	100.0	62	100.0	59	100.0	57	100.0	55	100.0	55	100.0
<b>Missing</b>	12	—	13	—	16	—	14	—	17	—	19	—	21	—	21	—
<b>Mean</b>	4.2		4.2		4.4		4.1		4.2		4.4		4.2		4.1	
<b>Median</b>	4.0		5.0		5.0		4.0		4.0		4.0		5.0		5.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of Circuit Judges

**Question 8** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, provide fairness in meeting the purposes of sentencing?

CIRCUIT JUDGES	ii. Considering only defendants convicted of these crimes:															
	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1 Few</b>	10	15.4	21	31.8	9	14.5	7	11.5	7	11.5	6	10.0	9	15.5	10	16.7
<b>2</b>	8	12.3	9	13.6	7	11.3	7	11.5	5	8.2	5	8.3	7	12.1	9	15.0
<b>3</b>	14	21.5	12	18.2	10	16.1	13	21.3	16	26.2	12	20.0	17	29.3	18	30.0
<b>4</b>	16	24.6	8	12.1	10	16.1	11	18.0	5	8.2	12	20.0	4	6.9	5	8.3
<b>5</b>	9	13.8	8	12.1	16	25.8	15	24.6	19	31.1	13	21.7	11	19.0	9	15.0
<b>6 Almost All</b>	8	12.3	8	12.1	10	16.1	8	13.1	9	14.8	12	20.0	10	17.2	9	15.0
<b>Total</b>	65	100.0	66	100.0	62	100.0	61	100.0	61	100.0	60	100.0	58	100.0	60	100.0
<b>Missing</b>	11	—	10	—	14	—	15	—	15	—	16	—	18	—	16	—
<b>Mean</b>	3.5		3.0		3.8		3.7		3.8		4.0		3.5		3.4	
<b>Median</b>	4.0		3.0		4.0		4.0		4.0		4.0		3.0		3.0	

**Question 9** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, maintain sufficient flexibility to permit individualized sentences when warranted by mitigating or aggravating factors not taken into account in the establishment of general sentencing practices?

CIRCUIT JUDGES	ii. Considering only defendants convicted of these crimes:															
	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1 Few</b>	16	24.6	26	38.8	17	27.9	14	22.2	14	23.3	14	23.0	15	25.4	18	30.5
<b>2</b>	15	23.1	13	19.4	12	19.7	10	15.9	7	11.7	9	14.8	11	18.6	9	15.3
<b>3</b>	10	15.4	7	10.4	7	11.5	13	20.6	12	20.0	11	18.0	10	16.9	9	15.3
<b>4</b>	10	15.4	9	13.4	10	16.4	9	14.3	9	15.0	9	14.8	6	10.2	7	11.9
<b>5</b>	8	12.3	5	7.5	6	9.8	8	12.7	8	13.3	9	14.8	8	13.6	7	11.9
<b>6 Almost All</b>	6	9.2	7	10.4	9	14.8	9	14.3	10	16.7	9	14.8	9	15.3	9	15.3
<b>Total</b>	65	100.0	67	100.0	61	100.0	63	100.0	60	100.0	61	100.0	59	100.0	59	100.0
<b>Missing</b>	11	—	9	—	15	—	13	—	16	—	15	—	17	—	17	—
<b>Mean</b>	3.0		2.6		3.0		3.2		3.3		3.3		3.1		3.1	
<b>Median</b>	3.0		2.0		3.0		3.0		3.0		3.0		3.0		3.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on The Federal Sentencing Guidelines Responses of Circuit Judges

**Question 10** Considering cases that have come to you on appeal, how often did the guideline sentences, as properly applied, provide just punishment?

CIRCUIT JUDGES	i. ii. Considering only defendants convicted of these crimes:															
	All Sentencing		Drug Trafficking		Firearms Trafficking		Fraud		Larceny/ Theft/Emb.		Robbery		Alien Smuggling		Unlawful U.S. Entry	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>1 Few</b>	5	7.9	17	25.8	8	12.9	8	12.7	8	12.9	8	13.1	9	15.8	11	18.3
<b>2</b>	12	19.0	9	13.6	5	8.1	10	15.9	8	12.9	6	9.8	11	19.3	13	21.7
<b>3</b>	7	11.1	16	24.2	10	16.1	12	19.0	12	19.4	11	18.0	10	17.5	9	15.0
<b>4</b>	19	30.2	7	10.6	12	19.4	12	19.0	12	19.4	10	16.4	7	12.3	11	18.3
<b>5</b>	12	19.0	8	12.1	14	22.6	9	14.3	10	16.1	10	16.4	5	8.8	2	3.3
<b>6 Almost All</b>	8	12.7	9	13.6	13	21.0	12	19.0	12	19.4	16	26.2	15	26.3	14	23.3
<b>Total</b>	63	100.0	66	100.0	62	100.0	63	100.0	62	100.0	61	100.0	57	100.0	60	100.0
<b>Missing</b>	13	—	10	—	14	—	13	—	14	—	15	—	19	—	16	—
<b>Mean</b>	3.7		3.1		3.9		3.6		3.7		3.9		3.6		3.4	
<b>Median</b>	4.0		3.0		4.0		4.0		4.0		4.0		3.0		3.0	

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

**A Survey of Article III Judges on The Federal Sentencing Guidelines**  
**Part II: Sentence Determination**  
**Responses of Circuit Judges**

**Question 11 Please identify where you believe that changes in the availability of guideline *sentence types* would better promote the purposes of sentencing.**

**CIRCUIT  
JUDGES**

**Offense Type**

	<u>Drug Trafficking</u>		<u>Weapon Trafficking</u>		<u>Fraud</u>		<u>Larceny/ Theft/Emb.</u>		<u>Robbery</u>		<u>Alien Smuggling</u>		<u>Unlawful U.S. Entry</u>	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>STRAIGHT PROBATION SENTENCE</b>														
<b>More available</b>	31	44.9	13	20.3	22	32.8	26	40.6	9	15.0	10	16.4	18	29.0
<b>Less Available</b>	2	2.9	8	12.5	9	13.4	8	12.5	7	11.7	10	16.4	8	12.9
<b>No change needed</b>	36	52.2	43	67.2	36	53.7	30	46.9	44	73.3	41	67.2	36	58.1
<b>Total</b>	69	100.0	64	100.0	67	100.0	64	100.0	60	100.0	61	100.0	62	100.0
<b>Missing</b>	7	—	12	—	9	—	12	—	16	—	15	—	14	—

**PROBATION WITH  
CONFINEMENT  
CONDITIONS**

	<u>Drug Trafficking</u>		<u>Weapon Trafficking</u>		<u>Fraud</u>		<u>Larceny/ Theft/Emb.</u>		<u>Robbery</u>		<u>Alien Smuggling</u>		<u>Unlawful U.S. Entry</u>	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>More available</b>	33	49.3	13	20.0	29	43.9	28	43.8	10	16.7	15	24.6	23	37.7
<b>Less Available</b>	2	3.0	8	12.3	12	18.2	9	14.1	7	11.7	11	18.0	9	14.8
<b>No change needed</b>	32	47.8	44	67.7	25	37.9	27	42.2	43	71.7	35	57.4	29	47.5
<b>Total</b>	67	100.0	65	100.0	66	100.0	64	100.0	60	100.0	61	100.0	61	100.0
<b>Missing</b>	9	—	11	—	10	—	12	—	16	—	15	—	15	—

**IMPRISONMENT  
PLUS SUP. RELEASE  
CONFINEMENT  
CONDITIONS**

	<u>Drug Trafficking</u>		<u>Weapon Trafficking</u>		<u>Fraud</u>		<u>Larceny/ Theft/Emb.</u>		<u>Robbery</u>		<u>Alien Smuggling</u>		<u>Unlawful U.S. Entry</u>	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>More available</b>	34	50.7	17	27.0	27	41.5	27	42.2	16	26.2	15	25.0	22	36.1
<b>Less Available</b>	1	1.5	5	7.9	10	15.4	8	12.5	6	9.8	8	13.3	6	9.8
<b>No change needed</b>	32	47.8	41	65.1	28	43.1	29	45.3	39	63.9	37	61.7	33	54.1
<b>Total</b>	67	100.0	63	100.0	65	100.0	64	100.0	61	100.0	60	100.0	61	100.0
<b>Missing</b>	9	—	13	—	11	—	12	—	15	—	16	—	15	—

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of District Judges

**Question 12** Based on the cases that you personally have heard on appeal, do you believe that the guidelines should place less or more emphasis on any of the following defendant characteristics for sentencing determination?<sup>1</sup>

**CIRCUIT JUDGES**

	Total		Less		More		No Change		Missing
	n	%	n	%	n	%	n	%	n
<b>Age</b>	69	100.0	0	0.0	32	46.4	37	53.6	7
<b>Education</b>	68	100.0	1	1.5	20	29.4	47	69.1	8
<b>Vocational Skills</b>	68	100.0	1	1.5	17	25.0	50	73.5	8
<b>Mental Conditions</b>	69	100.0	0	0.0	37	53.6	32	46.4	7
<b>Emotional Conditions</b>	69	100.0	1	1.4	29	42.0	39	56.5	7
<b>Physical Conditions</b>	66	100.0	1	1.5	19	28.8	46	69.7	10
<b>Drug Dependence/Abuse</b>	69	100.0	0	0.0	25	36.2	44	63.8	7
<b>Alcohol Dependence/Abuse</b>	68	100.0	0	0.0	22	32.4	46	67.6	8
<b>Employment Record</b>	68	100.0	0	0.0	33	48.5	35	51.5	8
<b>Family Ties/Responsibilities</b>	70	100.0	0	0.0	44	62.9	26	37.1	6
<b>Community Ties</b>	68	100.0	2	2.9	25	36.8	41	60.3	8
<b>Role in the Offense</b>	68	100.0	2	2.9	26	38.2	40	58.8	8
<b>Criminal History</b>	69	100.0	5	7.2	16	23.2	48	69.6	7
<b>Criminal Livelihood</b>	68	100.0	1	1.5	24	35.3	43	63.2	8
<b>Public Service*</b>	69	100.0	0	0.0	29	42.0	40	58.0	7
<b>Employment Contributions</b>	68	100.0	1	1.5	20	29.4	47	69.1	8
<b>Prior Good Works</b>	69	100.0	1	1.4	30	43.5	38	55.1	7

\*Includes military, civic, charitable, or public service.

<sup>1</sup>The Circuit Judges listed the following "other" defendant characteristics (number of responses): Respondents feel that gender (1) and when the defendant has learned lessons to avoid committing another crime (1) should receive more emphasis.

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.



## A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of Circuit Judges

**Question 13** Based on the cases that you personally have heard on appeal, do you believe that the guidelines *maintain neutrality* with respect to the characteristics listed below?

CIRCUIT  
JUDGES

	Total		Rarely		Sometimes		Often		Almost Always		Missing
	n	%	n	%	n	%	n	%	n	%	
Religion	69	100.0	0	0.0	0	0.0	7	10.1	62	89.9	7
Creed	69	100.0	0	0.0	0	0.0	8	11.6	61	88.4	7
National Origin	68	100.0	2	2.9	5	7.4	9	13.2	52	76.5	8
Race	69	100.0	4	5.8	14	20.3	8	11.6	43	62.3	7
Ethnicity	69	100.0	2	2.9	12	17.4	8	11.6	47	68.1	7
Gender	69	100.0	3	4.3	7	10.1	12	17.4	47	68.1	7
Socioeconomic Status	69	100.0	3	4.3	13	18.8	16	23.2	37	53.6	7

**Question 14** Based on the cases that you personally have heard on appeal, do you believe that the guidelines *avoid unwarranted disparity* with respect to the characteristics listed below?

CIRCUIT  
JUDGES

	Total		Rarely		Sometimes		Often		Almost Always		Missing
	n	%	n	%	n	%	n	%	n	%	
Defendants with Similar Records and Conduct	69	100.0	4	5.8	19	27.5	23	33.3	23	33.3	7
Sentencing Circuit	66	100.0	3	4.5	13	19.7	31	47.0	19	28.8	10
Sentencing District	68	100.0	3	4.4	20	29.4	26	38.2	19	27.9	8
Sentencing Judge	69	100.0	3	4.3	22	31.9	29	42.0	15	21.7	7

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of Circuit Judges

**Question 15** Do you believe that the sentencing guidelines have increased, decreased, or had no impact on *respect for the law* for these groups?<sup>1</sup>

**CIRCUIT  
JUDGES**

	Total		Increase		Decrease		No Impact		Missing
	n	%	n	%	n	%	n	%	n
<b>Federal Offenders</b>	73	100.0	25	34.2	16	21.9	32	43.8	3
<b>Crime Victims</b>	71	100.0	40	56.3	4	5.6	27	38.0	5
<b>The General Public</b>	70	100.0	39	55.7	7	10.0	24	34.3	6

<sup>1</sup>The Circuit Judges listed the following "other" groups: The guidelines increase respect for the law in Congress (1). Another respondent feels that family members (1) have a decreased respect for the law.

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.

## A Survey of Article III Judges on the Federal Sentencing Guidelines Responses of Circuit Judges

**Question 18**  
CIRCUIT  
JUDGES

Please mark on the scale below to indicate your rating of the federal sentencing guideline system's achievements in furthering the general purposes of sentencing as specified in 18 U.S.C. § 3553(a)(2).

	n	%
<b>1 Low Achievement</b>	7	9.7
<b>2</b>	8	11.1
<b>3</b>	12	16.7
<b>4</b>	15	20.8
<b>5</b>	17	23.6
<b>6 High Achievement</b>	13	18.1
<b>Total</b>	72	100.0
<b>Missing</b>	4	—
<b>Mean</b>	3.9	
<b>Median</b>	4	

**Question 19A**  
CIRCUIT  
JUDGES

If you served as a Federal District Judge, have you sentenced any federal felony offender under Old Law (i.e., "pre-guidelines")?

	n	%
<b>Yes</b>	37	59.7
<b>No</b>	4	6.5
<b>Not Serve</b>	21	33.9
<b>Total</b>	62	100.0
	14	—

**Question 19B**  
CIRCUIT  
JUDGES

While a Federal Circuit Judge, have you reviewed the sentence of any federal felony offender under Old Law (i.e., "pre-guidelines")?

	n	%
<b>Yes</b>	49	70.0
<b>No</b>	21	30.0
<b>Total</b>	70	100.0
<b>Missing</b>	6	—

Source: U.S. Sentencing Commission, Survey of Article III Judges, Circuit Judge Responses, January 2002.