

## Individual element must be in system

The human element gone? In America? The supposed land of the free and brave?

That's what some judges are saying about federal sentencing guidelines meant to make prison sentences more understandable and more uniform.

The mandatory guidelines, which took effect in November 1987, came about as a result of rallying on both sides of the political spectrum to better the legal system's method of setting punishment.

Liberals pushed for change stating that heavier sentences fell disproportionately on lower income and disenfranchised individuals, while conservatives rallied for longer, more definite sentences.

The strongest point these guidelines have going for them is the fact that they could eliminate unwarranted disparity — when similarly situated offenders go into different courtrooms and end up with very different sentences.

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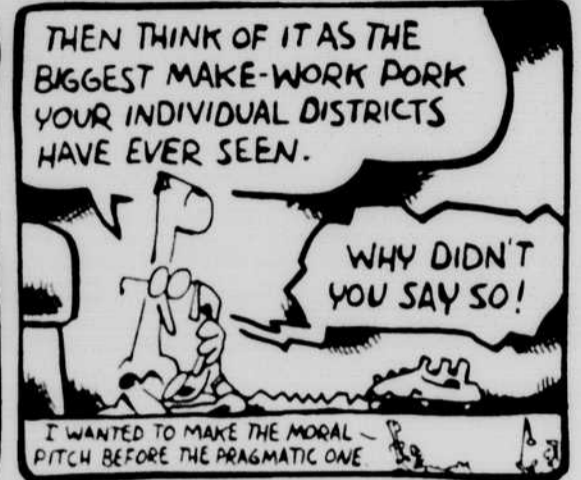
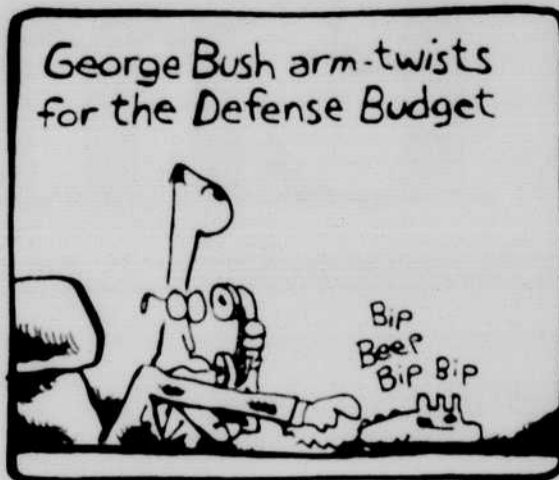
Here, the sentence obviously depends more on the mood and condition of the judge/jury than the actual evidence. In this case, guidelines could only help in forcing the judge to settle in a consistent way.

However, the guidelines undeniably steal the human element from the judges' sentencing procedures. Even in the most similar persecutory setting, there are variances. Unless the judge's right to examine and regard each consideration is protected, the sentencing procedure could turn into a mechanistic rubber-stamp session.

The guidelines have also clogged up both trial and appellate court proceedings because each detail of the case must be evaluated in guideline-ese. Sentences must now be based on a complex formula, including the seriousness of the crime and the offender's criminal history.

In the end, the supposed security of the guidelines isn't quite the fair trade when it comes to eliminating individual case evaluation. Granted, every American judge doesn't brandish the traits necessary to fairly evaluate each case. Many are biased in areas ranging from race to gender to income generation; some are crooked themselves.

It's understandable these guidelines were born to make the judicial system more fair. But to do so simply by slapping on a new set of rules doesn't answer the problem.



## LETTERS

### Not given

The *Emerald* recently printed an interesting letter about rape, but you need not be a female to be raped. At 13, I was raped. The local police laughed me out of their office, and I've since been on their hate list. Something was taken from me, not offered, nor given (the guy did not make it back from Vietnam alive).

The important word is given — as in permission, not taken, as in clear-cutting (tree farming — ha!) or strip mining. Aren't these signs of rape? A funny thing about it is the Bible calls it the original sin. The apple was taken, not given. Isn't capitalism described as taking all you can get? Funny, isn't it.

Steven Reiter  
Eugene

### Relief

I am writing in response to recent criticisms of the University's "Measure 5" referendum.

I have watched in the past year as ASUO spending habits have come to light: flexible payrolls, tens of thousands of dollars in stipends, and thousands more earmarked for staff retreats. Yet somehow, we still manage to be spending in the red for the current budget. Officials and comptrollers have proven they have more money than they know what to do with, while, at the same time, assuming students' resources are limitless and that they can continue to dip deeper into our pockets.

Now we have a chance for relief. The referendum sponsored by Don King and Holly Ferguson would cut the ASUO bud-

et by 10 percent. Critical groups claim their services would have to be cut, but their real concern is that their care-free spending would be curtailed. With enrollment figures going down, fees will be going up, unless we vote otherwise.

Pass the referendum and elect King and Ferguson.

Matthew Chism  
Finance

### Cry babies

I would like to take issue with the *Emerald* article of April 8 entitled "Gays angry with movie portrayals." As a gay man, I feel gay people are too sensitive when seeing themselves in unflattering situations in films or in the media. We are barely out of the closet as a group; therefore, many of my gay brothers and sisters would rather see themselves presented only in positive relationships and situations. However, the real world of movies doesn't work that way, and any group could protest Hollywood's stereotyping and generalizations.

The lesbians find the bisexuality and image of women as killers in *Basic Instinct* repugnant. Well, it is repugnant. However, it is a well-constructed picture and a well-made thriller. I have asked my straight friends if, after seeing the film, they are affected in their feelings about lesbians, and they say, "No, it's just a story." If I were a police detective, using the same logic as "angry gays," I could protest the movie's image of detectives as killers, drunks and cocaine addicts with no sexual morals.

When we as a gay communi-

ty are no longer threatened by our portrayal in films, then we have been assimilated as part of this culture. The gay community is as diverse as the straight community — we are artists, loggers, doctors, ministers, drug dealers, prostitutes — we are good and bad, living normal, productive lives as well as being in prison.

I'm tired of my gay community's "cry-baby" attitude when we are portrayed in less than favorable light.

Mike Walsh  
Eugene

### Suck up

Are you serious? I can't believe what I'm reading. As we all know, student government will undergo elections soon, and the candidates must be getting anxious. But yesterday, a flyer was handed out to the greek system that blew my mind.

Don King and Holly Ferguson, one of the four teams running for the ASUO executive, tried to use scare tactics to accumulate votes. I'm appalled. Do they think the greek system, or anyone else for that matter, is naive or insecure enough that they would have to listen to warnings from them? Warnings claiming that every single other candidate is against them?

Come on now. Running for ASUO office is for the benefit of all of us as a whole. I have seen other candidates show their promising intentions toward greeks and everyone else equally. King and Ferguson — do you think the greek system is not intelligent enough to see vote begging through brown nosing?

I am very much in support of all the University organizations, but what worries me is why any candidate who wants to run my ASUO would be so busy writing these kind of flyers that they may be overlooking the true importance and reasons behind running an area of the University student government.

Tina Levy  
Student

## Oregon Daily Emerald

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Letters to the editor must be limited to no more than 250 words, legible, signed and the identification of the writer must be verified when the letter is submitted.

The *Emerald* reserves the right to edit any letter for length or style.