

Levi Urges Abolition Of Parole

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Attorney General Edward H. Levi yesterday suggested abolishing the federal parole system and sharply reducing federal judge's discretion in sentencing.

Levi outlined a plan under which a trial judge would be required to fix sentences within limits set by a permanent federal sentencing commission.

The judge could deviate from those guidelines only by citing specific reasons for doing so, and his judgment could be reviewed by an appellate court.

Under existing law, a judge has wide discretion, in determining how long a sentence — if any — a criminal must serve, and his decision cannot be reviewed by appeals courts. The parole system, which Levi suggested be eliminated, can further reduce the sentence after certain periods of imprisonment.

Levi outlined his proposal in a speech to Wisconsin correctional officials in Milwaukee last night. It was the first time a Justice Department official has proposed such a sharp reduction in a judge's sentencing power, although some critics of the judicial system have suggested it before.

He prefaced it by asserting that a major shortcoming of justice is the inconsistency in sentencing, with different judges setting widely different sentences for similar crimes.

The effectiveness of prison as a deterrent to crime, he said, is impaired because "judges themselves have not imposed prison sentences with enough consistency to make

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the deterrent effect work. Deterrence requires considerable certainty, and we do not have that certainty."

Levi said that, as a result of sentencing inconsistency, the person who is imprisoned may think his sentence is a matter of "bad luck, rather than the inevitable consequence of wrongdoing."

The plan he outlined would abolish the parole system and create a permanent federal sentencing commission, which would fix guidelines for judges to follow in individual cases.

"If a judge decided to impose a sentence inconsistent with the guidelines," Levi said, "he would have to accompany the decision with specific reasons for the exception, and the decision

would be subject to appellate review."

The Ford administration last year proposed legislation providing mandatory minimum sentences for certain kinds of crime, such as aircraft hijacking or offenses committed with dangerous weapons. Neither house of Congress has acted on it.

Under Levi's proposal, federal judges would have to impose sentences for those crimes within the limits included in the proposed legislation. Sentences for all other types of crimes would be fixed by the new federal sentencing commission.

Most federal criminal statutes now do not include minimum sentences, and judges are free to use their own discretion. They can

waive sentencing completely and place a convicted criminal on probation. This practice is increasingly common because of overcrowded prisons.

Levi also mildly criticized the parole system, under which an independent board can reduce sentences if prisoners' behavior is good.

"Currently, very few offenders are required to serve anything close to the time imposed as a sentence by the trial judge," Levi said.

Making a prisoner eligible for parole after serving a third of his sentence or less, he added, "may create a lack of credibility in sentencing which undermines the deterrent effect of criminal law and adds to the sense of unfairness."