

REGGIE'S GOING TO SMILE

If the hapless Democratic Congress ever gets around to an investigation through which they can ask Reggie to turn over the CIA Leak case grand jury materials.

But for now, I'd say he's still cranky, wouldn't you?

In commuting the defendant's thirty-month term of incarceration, the President stated that the sentence imposed by this Court was "excessive" and that two years of supervised release and a \$250,000 fine alone are a "harsh punishment" for an individual convicted on multiple counts of perjury, obstruction of justice, and making false statements to federal investigators. Although it is certainly the President's prerogative to justify the exercise of his constitutional commutation power in whatever manner he chooses (or even to decline to provide a reason for his actions altogether), the Court notes that the term of incarceration imposed in this case was determined after a careful consideration of each of the requisite statutory factors, and was consistent with the bottom end of the applicable sentencing range as properly calculated under the United States Sentencing Guidelines.

Indeed, only recently the President's Attorney General called for the passage of legislation to "restore the binding nature of the sentencing guidelines so that the bottom of the recommended sentencing range would be a minimum for judges, not merely a suggestion," a stance that is fully consonant with the policies of this Administration as a

whole. In light of these considerations, and given the indisputable importance of providing certainty and fairness in sentencing . . . [and] avoid[ing] unwarranted sentencing disparities, it is fair to say that the Court is somewhat perplexed as to how its sentence could be accurately be characterized as "excessive." [my emphasis]

In the meantime, I'm not holding my breath on the hapless Congress.