

INSTITUTIONS

FROM <i>WINSHIP</i> TO <i>APPRENDI</i> TO <i>BOOKER</i> : CONSTITUTIONAL COMMAND OR CONSTITUTIONAL BLUNDER?	195
<i>Ronald J. Allen & Ethan A. Hastert</i>	
A SECOND CHANCE FOR SENTENCING REFORM: ESTABLISHING A SENTENCING AGENCY IN THE JUDICIAL BRANCH	217
<i>Kate Stith & Karen Dunn</i>	
MR. MADISON MEETS A TIME MACHINE: THE POLITICAL SCIENCE OF FEDERAL SENTENCING REFORM	235
<i>Frank O. Bowman, III</i>	

CONTENT

REFORMING THE FEDERAL SENTENCING GUIDELINES' MISGUIDED APPROACH TO REAL-OFFENSE SENTENCING	267
<i>David Yellen</i>	
DISTINGUISHING OFFENSE CONDUCT AND OFFENDER CHARACTERISTICS IN MODERN SENTENCING REFORMS	277
<i>Douglas A. Berman</i>	

COUNSEL

JUDICIAL OVERSIGHT OF NEGOTIATED SENTENCES IN A WORLD OF BARGAINED PUNISHMENT	293
<i>Nancy J. King</i>	
PARITY, DISPARITY, AND ADVERSARIALITY: FIRST PRINCIPLES OF SENTENCING	309
<i>Margareth Etienne</i>	

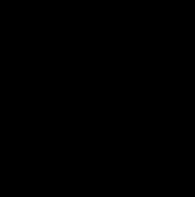
SANCTIONS

PENAL POLICY AND PENAL LEGISLATION IN RECENT AMERICAN EXPERIENCE	323
<i>Franklin E. Zimring</i>	
SMART PUBLIC POLICY: REPLACING IMPRISONMENT WITH TARGETED NONPRISON SENTENCES AND COLLATERAL SANCTIONS	339
<i>Nora V. Demleitner</i>	

KNOWLEDGE

"THE WISDOM WE HAVE LOST": SENTENCING INFORMATION AND ITS USES	361
<i>Marc L. Miller & Ronald F. Wright</i>	

Stanford Law Review



✓

Stanford
Law Review

© 2005 by the Board of Trustees of the
Leland Stanford Junior University

October 2005

CONTENTS

A MORE PERFECT SYSTEM:
TWENTY-FIVE YEARS OF GUIDELINES SENTENCING REFORM

INTRODUCTION

SENTENCING LESSONS	1
<i>Robert Weisberg & Marc L. Miller</i>	

PURPOSES

THE FUNCTIONS OF SENTENCING AND SENTENCING REFORM	37
<i>Michael Tonry</i>	
PUNISHMENT PURPOSES	67
<i>Richard S. Frase</i>	
DISPARITY: THE NORMATIVE AND EMPIRICAL FAILURE OF THE FEDERAL GUIDELINES	85
<i>Albert W. Alschuler</i>	

FEDERALISM

OUR FEDERAL SYSTEM OF SENTENCING	119
<i>Rachel E. Barkow</i>	
REGULATING LOCAL VARIATIONS IN FEDERAL SENTENCING	137
<i>Stephanos Bibas</i>	

STRUCTURE

THE ENFORCEABILITY OF SENTENCING GUIDELINES	155
<i>Kevin R. Reitz</i>	
GUIDANCE FROM ABOVE AND BEYOND	175
<i>Steven L. Chanenson</i>	