

In addition, as indicated in the following chart, a study of the two districts in each of the 11 Federal judicial circuits that sentenced the greatest number of offenders in 1972 for a selected group of offenses shows widespread sentencing disparity:

TABLE 1.—AVERAGE SENTENCE LENGTH FOR SELECTED OFFENSES, IN 1972

[In months]

	Homicide and assault	Robbery	Burglary	Larceny	Auto theft	Forgery and counterfeiting
National average.....	102	120	63	40	38	42
Maine.....				144 (+104)	21 (-17)	24 (-18)
Massachusetts.....	48 (-54)	115 (-5)	40 (-23)	36 (-4)	20 (-18)	32 (-10)
New York (northern).....		39 (-81)		11 (-29)	9 (-29)	12 (-30)
New York (eastern).....	18 (-84)	130 (+10)	2 (-61)	48 (+8)	12 (-26)	49 (+7)
New Jersey.....	11 (-91)	103 (-17)	27 (-36)	50 (+10)	32 (-6)	29 (-13)
Pennsylvania (eastern).....	102 (0)	88 (-32)		25 (+15)	49 (+11)	30 (-12)
Maryland.....	6 (-96)	146 (+26)	61 (-2)	45 (+5)	49 (+11)	40 (-2)
Virginia (eastern).....	66 (-36)	135 (+15)	81 (+81)	50 (+10)	41 (+3)	39 (-3)
Florida (middle).....		126 (+6)	34 (-29)	27 (-3)	32 (-6)	41 (-1)
Texas (northern).....	62 (-40)	224 (+104)	46 (-17)	42 (+2)	39 (+1)	66 (+24)
Kentucky (eastern).....	24 (-78)	124 (+4)	167 (+104)	25 (-15)	32 (-6)	20 (-22)
Ohio (northern).....	28 (-74)	119 (-1)	36 (-27)	29 (-11)	31 (-7)	35 (-7)
Illinois (northern).....	20 (-82)	81 (-39)	30 (-33)	40 (0)	45 (+7)	38 (-4)
Indiana (southern).....	40 (-62)	101 (-19)	24 (-39)	35 (-5)	29 (-9)	34 (-8)
Missouri (eastern).....	27 (-75)	180 (+60)	60 (-3)	54 (+14)	46 (+8)	46 (+4)
Missouri (western).....	36 (-66)	120 (0)		57 (+17)	36 (-2)	33 (-9)
California (northern).....	79 (-23)	115 (-5)	120 (+57)	32 (-8)	42 (+4)	37 (-5)
California (central).....	190 (+88)	96 (+24)	24 (-39)	40 (0)	41 (+3)	43 (+1)
Kansas.....	74 (-28)	115 (-5)		46 (+6)	47 (+9)	63 (+21)
Oklahoma (western).....	29 (-73)	85 (-35)	48 (-15)	31 (-9)	36 (-2)	41 (-1)
District of Columbia.....	161 (+59)	103 (-17)	84 (+21)	42 (+2)	40 (+2)	67 (+25)

Note.—The Federal district courts for each of the 11 circuits were chosen on the basis of the 2 districts in each circuit that sentenced the greatest number of offenders for the selected offenses.

Source: Administrative Office of the United States Courts, "Federal Offenders in United States District Courts," 1972, app. table X-4.

\*O'Donnell, Churgin and Curtis, "Toward A Just and Effective Sentencing System: Agenda For Legislative Reform" (Praeger, 1977).

The Committee finds that this research makes clear that variation in offense and offender characteristics does not account for most of the disparity.<sup>28</sup>

Sentencing disparities that are not justified by differences among offenses or offenders are unfair both to offenders and to the public. A sentence that is unjustifiably high compared to sentences for similarly situated offenders is clearly unfair to the offender; a sen-

<sup>28</sup> See Subcommittee Criminal Code Hearings, Part XIII, at 8870, 8881, 8897, 8903, 8916, 8960; Criminal Code Hearings, Part XVI, at 11752, 11786-87, 11911.