1983

Sentencing of Youthful Misdemeanants Under the Youth Corrections Act: Eliminating Disparities Created by the Federal Magistrate Act of 1979

Catherine B. Andreycak

Recommended Citation
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INTRODUCTION

The Federal Youth Corrections Act (YCA)\(^1\) was enacted in 1950 in response to increasing concern over the disproportionate amount of crime attributable to youths\(^2\) and the apparent failure of the modern penitentiary system to rehabilitate committed youth offenders.\(^3\) The YCA expanded the range of sentencing options for youthful offenders\(^4\) and requires rehabilitative treatment\(^5\) in special facilities\(^6\) removed

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5. 18 U.S.C. § 5011 (1976). “Treatment” is defined as “corrective and preventive guidance and training designed to protect the public by correcting the antisocial
from the destructive atmosphere of adult institutions. The most controversial provision of the YCA calls for an indeterminate sentence, which may not exceed six years, when a judge decides that confinement is appropriate, regardless of the maximum term an adult could serve for the same offense. While under certain circumstances a judge may impose a longer sentence under the YCA, he is not given

tendencies of youth offenders.” Id. § 5006(f). The YCA treatment program was modeled on the British Borstal system, which combines a high degree of flexibility and individuality with an arduous work and recreation program in the treatment of youth offenders. “[The Borstal system] is predicated on the concept that criminal youth require special treatment because of the number and kind of offenses they commit, the causation factors underlying their conduct, and the prospect they hold out for success through correctional treatment.” 1950 House Report, supra note 2, at 5, reprinted in 1950 U.S. Code Cong. Serv. at 3987.

6. The YCA requires that institutions be designed or adapted for YCA treatment; that insofar as practical these institutions be used solely for the treatment of youth offenders; and that youth offenders be segregated from other offenders and from each other according to their needs. 18 U.S.C. § 5011 (1976). Interpretation of this provision has varied among the circuits. One view is that impracticality may excuse a failure to provide separate facilities but will not justify a failure to segregate youth offenders from other offenders within an institution. United States ex rel. Dancy v. Arnold, 572 F.2d 107, 112-13 (3d Cir. 1978); see United States v. Smith, 683 F.2d 1236, 1242 & n.19 (9th Cir. 1982). Other courts have held that “insofar as practical” refers to both the requirement of separate facilities and the requirement of segregation within a common facility. In limited circumstances, therefore, impracticality may justify integration of YCA and non-YCA offenders. See Watts v. Hadden, 651 F.2d 1354, 1366 (10th Cir. 1981); Johnson v. Bell, 487 F. Supp. 977, 983-85 (E.D. Mich. 1980); Brown v. Carlson, 431 F. Supp. 755, 772-73 (W.D. Wis. 1977). One court has held not only that YCA prisoners may be integrated on the grounds of impracticality, but also that the burden of proving the practicality of segregation or separate facilities is on the prisoner. Outing v. Bell, 632 F.2d 1144, 1145-46 (4th Cir. 1980), cert. denied, 450 U.S. 1001 (1981).


8. 18 U.S.C. §§ 5010(b), 5017(c) (1976). A youth sentenced under this provision may be conditionally released under supervision any time during his commitment. Id. §§ 5017(a), 5019. He may be unconditionally released after one year of conditional release. Id. § 5017(b). The maximum period of commitment is four years. Id. § 5017(c). The period of commitment and supervision may not exceed six years. See id. If a youthful offender is unconditionally released prior to six years, his conviction must be set aside. Id. § 5021(a). See infra note 13. For the purposes of this Note, the indeterminate sentence is referred to in terms of its maximum duration.


10. 18 U.S.C. § 5010(c) (1976). A sentence in excess of six years may be imposed only if the maximum adult sentence exceeds six years and the judge makes a specific finding that the youth may not derive maximum benefit from the six-year period. Id. The sentence may not exceed the maximum adult penalty prescribed for the offense. Id.
discretion to prescribe confinement for a shorter period.\textsuperscript{11} YCA sentences that exceed the maximum an adult could receive for the same offense have withstood equal protection challenges\textsuperscript{12} on the basis of the rehabilitative nature of YCA commitment.\textsuperscript{13}

\footnotesize{11. Watts v. Hadden, 651 F.2d 1354, 1372 (10th Cir. 1981); United States v. Jackson, 550 F.2d 830, 831-32 (2d Cir. 1977); United States v. Cruz, 544 F.2d 1162, 1164 (2d Cir. 1976); United States v. Waters, 437 F.2d 722, 726 n.16 (D.C. Cir. 1970); United States v. Murphy, 532 F. Supp. 999, 1001 (D. Nev. 1982). The Ninth Circuit has held that a judge may impose a “split sentence” whereby a youth is placed on probation under 18 U.S.C. § 3651 (1976 & Supp. V 1981), but is committed for a period not to exceed six months as a condition of probation, United States v. Smith, 683 F.2d 1236, 1238-40 (9th Cir. 1982); United States v. McDonald, 611 F.2d 1291, 1294 (9th Cir. 1980). In United States v. Murphy, 532 F. Supp. 999 (D. Nev. 1982), however, the court stated that the issue of the discretion of the court to impose shorter sentences was not specifically addressed by the Ninth Circuit: “It is the view of this Court that when faced with the issue, the Ninth Circuit will follow the authority which does not permit the limitation [of sentence length].” Id. at 1002.

12. E.g., United States v. Donelson, 695 F.2d 583, 588 (D.C. Cir. 1982); Guidry v. United States, 433 F.2d 968, 969 (5th Cir. 1970) (per curiam); United States v. Vaugh, 355 F. Supp. 1348, 1349-50 (W.D. Mo. 1972); see Carter v. United States, 306 F.2d 283, 285 (D.C. Cir. 1962); Cunningham v. United States, 256 F.2d 467, 473 (5th Cir. 1958). Although the fifth amendment, unlike the fourteenth amendment, does not contain an equal protection clause, it has been held that equal protection guarantees are also contained in the due process clause of the fifth amendment. See Weinberger v. Wiesenfeld, 420 U.S. 636, 638 n.2 (1975); Bolling v. Sharpe, 347 U.S. 497, 499 (1954). The fourteenth and fifth amendment protections are generally identical. Buckley v. Valeo, 424 U.S. 1, 93 (1976) (per curiam); L. Tribe, American Constitutional Law § 16-1, at 992 (1978); Karst, The Fifth Amendment’s Guarantee of Equal Protection, 55 N.C.L. Rev. 541, 552-58 (1977). However, there may be cases in which “overriding national interests” justify federal legislation under the fifth amendment even though the same legislation, if passed by a state, would violate the fourteenth amendment. Id. at 558-62. YCA sentences have also withstood claims of cruel and unusual punishment in violation of the eighth amendment. E.g., United States v. Rehfield, 416 F.2d 273, 275 (9th Cir. 1969), cert. denied, 397 U.S. 996 (1970); United States v. Dancis, 406 F.2d 729, 730 (2d Cir.) (per curiam), cert. denied, 394 U.S. 1019 (1969).

13. Carter v. United States, 306 F.2d 283, 285 (D.C. Cir. 1962) (“Actual confinement under the [YCA] may be greater or may be less depending on many factors we cannot know or anticipate. But the basic theory of that Act is rehabilitative and in a sense this rehabilitation may be regarded as comprising the quid pro quo for a longer confinement . . . . ”); Cunningham v. United States, 256 F.2d 467, 472 (5th Cir. 1958) (YCA “provides . . . not heavier penalties . . . but the opportunity to escape from the psychological shocks and traumas attendant upon serving an ordinary penal sentence while obtaining the benefits of corrective treatment, looking to rehabilitation and social redemption and restoration.”). YCA sentences have also been distinguished from adult penalties because under 18 U.S.C. § 5021(a) (1976), the conviction must be set aside if the youth is released prior to the expiration of his maximum sentence. Id.; see Tuten v. United States, 103 S. Ct. 1412, 1417 (1983); United States v. Hunt, 661 F.2d 72, 75 (6th Cir. 1981); United States v. Arrington, 618 F.2d 1119, 1124 (5th Cir. 1980), cert. denied, 449 U.S. 1086 (1981); Tatum v. United States, 310 F.2d 854, 855-56 (D.C. Cir. 1962) (per curiam).}
Additional disparities in the sentencing of youthful offenders were created by several provisions of the Federal Magistrate Act of 1979 (FMA),\textsuperscript{14} which grants magistrates the authority to try and sentence misdemeanor offenders\textsuperscript{15} and clarifies the role of the magistrate in YCA cases.\textsuperscript{16} The FMA authorizes magistrates to use YCA sentencing options in the same manner as district court judges, except that magistrates may not impose YCA sentences exceeding one year of confinement or probation.\textsuperscript{17} As a result, while youths sentenced by a judge are subject to the six-year indeterminate sentence, youths sentenced by a magistrate may receive an indeterminate sentence of only one year.\textsuperscript{18}

In \textit{United States v. Amidon},\textsuperscript{19} the Ninth Circuit interpreted the FMA's sentencing limitations on magistrates as implicitly limiting the sentencing authority of judges, and thus as eliminating sentencing disparities between youthful and adult misdemeanants.\textsuperscript{20} The court held that neither judges nor magistrates may impose YCA sentences on misdemeanants longer than the adult penalty prescribed for the offense.\textsuperscript{21} Other courts, however, have concluded that the FMA applies exclusively to magistrates,\textsuperscript{22} thus leaving the six-year sentence option intact for judges. Under this view, however, the defendant's right to equal protection may be violated because the maximum length of his sentence depends solely on whether the sentencing official is a judge or a magistrate.\textsuperscript{23}

Part I of this Note analyzes the FMA's sentencing limitations and concludes that they do not extend to district court judges. In Part II,
this Note contends that the resulting disparities in YCA sentences violate equal protection guarantees and frustrate the legislative goals of the YCA. Part III examines various solutions and concludes that these sentencing inequities can best be removed by amending the FMA to authorize magistrates to sentence youthful offenders under the YCA in the same manner as district court judges.

I. THE LIMITED REACH OF THE FEDERAL MAGISTRATES ACT

The magistrate system was created in 1968\(^24\) to alleviate the increasing burdens on the district court\(^25\) by authorizing magistrates to perform a variety of adjudicative and administrative functions.\(^26\) The criminal jurisdiction of magistrates was expanded by the Federal Magistrate Act of 1979\(^27\) from “minor offenses”\(^28\) to “misdemean-
ors," thereby giving magistrates the authority to try any case involving an offense carrying a maximum penalty of one year imprisonment. The FMA also authorizes magistrates to impose YCA sentences, but limits this power to one year for misdemeanors and six months for petty offenses.

In United States v. Amidon, the Ninth Circuit interpreted the FMA as limiting not only the sentencing authority of magistrates, but also the authority of the district court. In its analysis, the court first determined that longer sentences for youths were no longer justified by their rehabilitative nature and that therefore, when it passed the FMA, "Congress acted to eliminate the inequities between youth and adult sentencing." The court then reasoned that Congress could not have intended to eliminate sentencing inequities in cases tried before magistrates but not in those tried before judges, and concluded that "it is implicit in the [FMA] that Congress intended that neither a district court judge nor a magistrate may sentence a youth under the [YCA] to a term of confinement longer than it could impose on an adult." Although Amidon's broad reading of the FMA serves to eliminate disparities between the sentencing powers of judges and magistrates, as well as between sentences imposed on adult and youth offenders, it raises questions of statutory construction.

A. Statutory Construction of the FMA

1. Express Language

Amidon's conclusion that the FMA limits all YCA misdemeanor sentences to their maximum adult length finds no support in the statute's express language. To the contrary, the language indicates

30. See 18 U.S.C. § 1 (1976). As in the original Magistrates Act, however, this jurisdiction may be exercised only after the defendant is advised of his right to trial before a district court judge and consents in writing to be tried by a magistrate. Id. § 3401(b) (1976 & Supp. V 1981). Under the FMA, a defendant may also demand a jury trial before the magistrate. Id. § 3401(b) (Supp. V 1981). This right did not exist under the original Act. See 1979 Senate Report, supra note 15, at 17, reprinted in 1979 U.S. Code Cong. & Ad. News at 1485.
31. 18 U.S.C. § 3401(g)(1) (Supp. V 1981). The FMA also limits the maximum length of probation to one year for misdemeanors and six months for petty offenses. Id. § 3401(g)(3).
32. 627 F.2d 1023 (9th Cir. 1980).
33. Id. at 1026-27.
34. Id. at 1026; accord United States v. Hunt, 661 F.2d 72, 75 & n.7 (6th Cir. 1981). See infra notes 76-79 and accompanying text.
35. 627 F.2d at 1026.
36. Id. at 1027.
37. Id.
38. United States v. Donelson, 695 F.2d 583, 585 (D.C. Cir. 1982). It is a well-accepted principle that the interpretation of a statutory provision must begin with
that Congress did not intend the FMA to have any effect on the sentencing authority of district court judges: 39 "The magistrate may . . . impose sentence and exercise the other powers granted to the district court . . . except that . . . [he] may not sentence the youth offender to the custody of the Attorney General . . . for a period in excess of 1 year . . ." 40 By phrasing the sentencing authority of the magistrate under the YCA more narrowly than the authority of the district court, Congress must have intended to leave the judge's broader power intact. 41 An interpretation equating the sentencing authority of the two would thus contradict the express intent of Congress to provide a more circumscribed role for magistrates. 42

Moreover, Amidon's initial determination that Congress acted to eliminate sentencing disparities between youthful and adult offenders is also inconsistent with the express provisions of the FMA. 43 Although the FMA limits YCA sentences imposed by magistrates to one year for misdemeanors and six months for petty offenses, 44 some offenses carry maximum adult penalties that are shorter than the one-year and six-month limits. 45 For example, a youthful offender convicted by a
magistrate of a petty offense carrying a maximum adult penalty of three months is still subject to the YCA six-month sentence—clearly in excess of the adult limit. In such cases, the wording of the FMA envisions youth sentences in excess of adult penalties. In contrast, the FMA’s limitation on the length of probation subjects a youthful offender to a much shorter maximum period of supervision than that permitted for an adult. While the maximum probation period for an adult is five years, a magistrate, when placing a youthful offender on probation, is limited to imposing a one-year period. Thus, the language of the FMA clearly does not, as Amidon determined, require sentences of identical length for youths sentenced under the YCA and adults.

2. Legislative History

The conflicting interpretations of the one-year sentence limitation center on the following statement in the Conference Report discussing the FMA:

To avoid the possibility of a youth offender being punished for up to six years for violation of a petty offense or misdemeanor, the conferees resolved that no youth offender could serve a longer sentence under the YCA than he could have served as an adult. This mandate—no more than one year for conviction of a misdemeanor or six months for conviction of a petty offense—explicitly is set forth in the conference substitute.

Certain courts have interpreted this language as a congressional mandate to eliminate the sentencing disparities between youthful and adult misdemeanants. These courts further conclude that because the inequities of disparate sentencing exist whether a defendant is sentenced by a judge or a magistrate, Congress must have intended the FMA to limit the YCA sentencing authority of both. A full

46. United States v. Donelson, 695 F.2d 583, 586-87 & n.6 (D.C. Cir. 1982). But see United States v. Hunt, 661 F.2d 72, 75-76 (6th Cir. 1981) (as a result of the FMA, YCA sentences of youthful misdemeanants may not exceed adult sentences).
47. 695 F.2d at 586.
53. United States v. Amidon, 627 F.2d 1023, 1027 (9th Cir. 1980) ("We see no reason why a defendant . . . sentenced by a district court judge instead of by a
reading of the legislative history, however, reveals that the FMA was designed neither to eliminate sentence disparities nor to affect the sentencing authority of the district court in any way.\textsuperscript{54} Rather, its purpose was to increase the efficiency and flexibility of the district court.\textsuperscript{55} The legislative reports of the FMA repeatedly refer to the desired expansion of the magistrate system\textsuperscript{56} and the expected economies resulting therefrom.\textsuperscript{57}

In extending to magistrates the power to sentence youths under the YCA, however, Congress imposed the one-year limit on magistrates to maintain their powers within traditional boundaries.\textsuperscript{58} The Senate version of the FMA explicitly limited youth sentences imposed by

magistrate should be subject to the potential inequity of indeterminate YCA sentencing nor why Congress would have intended such a result.

\textsuperscript{54} United States v. Donelson, 695 F.2d 583, 586 (D.C. Cir. 1982); Tolson v. United States, 448 A.2d 248, 252 (D.C. 1982).


\textsuperscript{57} \emph{Diversity of Citizenship Jurisdiction/Magistrates Reform—1979: Hearings Before the Subcomm. on Courts, Civil Liberties, and the Administration of Justice of the House Comm. on the Judiciary, 96th Cong., 1st Sess. 59 (1979)} ("U.S. Magistrates would be able to try thousands of additional misdemeanor cases permitting the District Court Judges to turn their attention to more serious felony cases . . . .") (statement of Lawrence Margolis, Magistrate) [hereinafter cited as \textit{1979 Hearings}]; 1979 Senate Report, supra note 15, at 6, \textit{reprinted in} 1979 U.S. Code Cong. & Ad. News at 1475 ("It is estimated that approximately 1,500 cases now prosecuted . . . as misdemeanors outside the jurisdiction of magistrates would be brought within the scope of magistrates' jurisdiction . . . ."); 125 Cong. Rec. 26,822 (1979) ("The primary purpose of this legislation is to improve the quality of decisions and, at the same time, provide flexibility and . . . quicker, less expensive and less formal access to justice.") (statement of Rep. Railsback); \textit{see} 123 Cong. Rec. 16,860 (1977) ("The proposed expansions of the criminal jurisdiction of magistrates should have an appreciable impact in reducing the criminal dockets of the district courts and, as a consequence, in affording speedier and less costly justice to criminal defendants.") (statement of Griffin Bell, Attorney General).

\textsuperscript{58} \textit{See} United States v. Donelson, 695 F.2d 583, 586 (D.C. Cir. 1982); Tolson v. United States, 448 A.2d 248, 252 (D.C. 1982). \textit{See infra} notes 68-75 and accompanying text.
magistrates to adult length.\textsuperscript{59} This provision was rejected in favor of the present one-year limit,\textsuperscript{60} indicating that Congress did not intend to restrict sentences imposed by either magistrates or judges to adult length,\textsuperscript{61} but rather intended simply to maintain the magistrate's traditional one-year limit.\textsuperscript{62} Therefore, because neither the language of the statute nor its legislative history indicates that Congress intended to alter the sentencing authority of judges, the only remaining basis for Amidon's conclusion is an interpretation that the FMA implicitly repealed the YCA sentencing provisions.


The Amidon court stated that the FMA implicitly limits the sentencing power of district court judges when imposing YCA sentences on misdemeanants.\textsuperscript{63} Repeal by implication, however, is proper only in the most limited circumstances.\textsuperscript{64} The reluctance to infer from one act a congressional intention to amend or repeal another stems from deference to Congress' authority over the lawmaking process.\textsuperscript{65} The assumption is that when Congress legislates, it does so with an eye toward the entire body of existing law and that it will, when necessary, alter or repeal those statutes that require change.\textsuperscript{66} Therefore, this legislative function will be left to judicial implication only when statutes are irreconcilable.\textsuperscript{67}

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\textsuperscript{60} 18 U.S.C. \S 3401(g)(1), (3) (Supp. V 1981); see United States v. Donelson, 695 F.2d 583, 586 n.3 (D.C. Cir. 1982).
\textsuperscript{61} See 2A C. Sands, supra note 38, \S 48.18, at 224 (“Adoption of an amendment is evidence that the legislature intends to change the provisions of the original bill.”) (footnote omitted).
\textsuperscript{62} See United States v. Donelson, 695 F.2d 583, 587 (D.C. Cir. 1982).
\textsuperscript{63} United States v. Amidon, 627 F.2d 1023, 1027 (9th Cir. 1980).
\textsuperscript{64} Posadas v. National City Bank, 296 U.S. 497, 503 (1936); 1A C. Sands, supra note 38, \S 23.10; see Watt v. Alaska, 451 U.S. 259, 266-67 (1981); Watts v. Hadden, 651 F.2d 1354, 1381-82 (10th Cir. 1981). See infra note 67 and accompanying text.
\textsuperscript{65} See 1A C. Sands, supra note 38, \S 23.10.
\textsuperscript{66} E. Crawford, supra note 41, \S 310; 1A C. Sands, supra note 38, \S 23.10, at 231; 2A id. \S 56.02, at 404. In Watts v. Hadden, 651 F.2d 1354 (10th Cir. 1981), the court refused to find an implied repeal of the YCA release requirements in the parole guidelines authorized by the Parole Commission & Reorganization Act, 18 U.S.C. \S 4206 (1976). 651 F.2d at 1382. The new guidelines provide objective factors to be used in parole determinations, while the YCA bases its release decisions on the institutional progress of the particular offender. See infra notes 92-97 and accompanying text. The court held that the guidelines of \S 4206 did not implicitly repeal the YCA’s rehabilitative considerations because Congress had before it the entire YCA and did not specifically alter the release provisions, thus indicating an intention to leave the provisions intact. 651 F.2d at 1382.
\textsuperscript{67} Regional Rail Reorganization Act Cases, 419 U.S. 102, 133-34 (1974); Morton v. Mancari, 417 U.S. 535, 550 (1974); Posadas v. National City Bank, 296 U.S. 497, 503 (1936); United States v. Van Lufkins, 676 F.2d 1189, 1194 (8th Cir. 1982);
Analysis of the FMA and the YCA indicates that not only do the two statutes not conflict with each other, but that the FMA was designed to reconcile the existing sentencing authority of judges under the YCA with the limited jurisdiction of magistrates. The YCA authorizes a six-year indeterminate sentence for youth offenders—even when the crime charged is a misdemeanor. Prior to the FMA, it was unclear whether this maximum six-year sentence removed YCA misdemeanor cases from the magistrate’s jurisdiction. As misdemeanors, they seemed to be within the authority of the magistrate; yet because they carried penalties in excess of the traditional one-year limit, they appeared to be beyond the scope of the magistrate’s jurisdiction. To reconcile the need to expand magistrate authority with the desire to maintain the circumscribed boundaries of magistrate jurisdiction, Congress granted YCA authority to magistrates but limited the sentences imposed under that authority to the traditional limits. Limitation of the magistrate’s YCA sentencing power does not represent an intention to change YCA provisions, but rather an attempt to accommodate them in the more limited sphere of magistrate jurisdiction.

B. Policy Reasons for a Narrow Interpretation of the FMA

Amidon must be analyzed in light of the status of the youth corrections system at the time of the decision. In the 1970’s, the Bureau of

Watts v. Hadden, 651 F.2d 1354, 1381-82 (10th Cir. 1981); United States v. Brien, 617 F.2d 299, 310 (1st Cir.), cert. denied, 446 U.S. 919 (1980); 1A C. Sands, supra note 38, § 23.10, at 231; see United States v. Donelson, 695 F.2d 583, 585 (D.C. Cir. 1982). Implicit repeal may also be found when a later act covers the entire subject matter of an earlier statute and it is clear that the legislature intended it to be a substitute. Posadas v. National City Bank, 296 U.S. 497, 503 (1936); United States v. Brien, 617 F.2d 299, 310 (1st Cir.), cert. denied, 446 U.S. 919 (1980).

68. United States v. Donelson, 695 F.2d 583, 585 (D.C. Cir. 1982); United States v. Van Lufkins, 676 F.2d 1189, 1194 (8th Cir. 1982).


70. 18 U.S.C. §§ 5010(b), 5017(c) (1976); see Cunningham v. United States, 256 F.2d 467, 472 (5th Cir. 1958) (YCA sentences may be imposed upon misdemeanants).


73. See supra note 71.


Prisons changed its policy concerning YCA offenders and eliminated separate YCA programs and facilities. The Bureau's actions were precipitated by disenchantment with ineffective youth programs and a general abandonment of the rehabilitative theories on which the YCA was based. As a result of the Bureau's policy shift, youthful offenders sentenced under the YCA were incarcerated under conditions identical to adult offenders but were still subject to the longer YCA sentence. The traditional justification of the longer sentences—the rehabilitative nature of YCA confinement—no longer applied.

Amidon interpreted the enactment of the FMA as Congress' recognition of these inequities and rejection of longer YCA sentences. The clearest statement of congressional dissatisfaction with disproportionate sentences, however, would have been an amendment or repeal of YCA sentencing provisions. There has been no such change in the history of the YCA. Moreover, by phrasing the magistrate's sentencing limit as an exception to the district court judge's authority, Congress implicitly affirmed, rather than rejected, the validity of longer YCA sentences.


80. United States v. Amidon, 627 F.2d 1023, 1026-27 (9th Cir. 1980).

81. United States v. Van Lufkins, 676 F.2d 1189, 1194 (8th Cir. 1982); Tolson v. United States, 448 A.2d 248, 252 (D.C. 1982); see Watts v. Hadden, 651 F.2d 1354, 1381-82 (10th Cir. 1981).

82. Watts v. Hadden, 651 F.2d 1354, 1357 (10th Cir. 1981).


Courts have also consistently supported the longer sentences of the YCA. While recognizing the administrative failure to implement YCA programs, courts have repeatedly endorsed a return to, rather than an abandonment of, the sentencing and treatment scheme of the YCA. The Supreme Court, while never specifically addressing the constitutionality of sentence disparities, has recognized the validity of longer sentences of youth offenders when those sentences meet the requisite treatment provisions. The Bureau of Prisons, recognizing the need for reform, responded to judicial pressure by implementing a new plan in compliance with YCA standards. Treatment centers have been established at three YCA facilities, encompassing a wide range of educational and therapeutic programs.

Moreover, Amidon’s interpretation fails to recognize that the YCA and the FMA were enacted for distinctly different purposes. The


The Second Circuit has struck down as unconstitutional a New York statute that explicitly provided for longer youth sentences without requiring corresponding rehabilitative treatment. United States ex rel. Sero v. Preiser, 506 F.2d 1115, 1120 (2d Cir. 1974), cert. denied, 421 U.S. 921 (1975). Courts have been unwilling to extend the Sero rationale to the YCA because the YCA, on its face, provides for special treatment for youth offenders and thus satisfies constitutional requirements. United States v. Donelson, 695 F.2d 583, 588 (D.C. Cir. 1982); see Equal Protection Flaws, supra note 78, at 308.


89. Bureau of Prisons Program Statement No. 5215.3, at 1 (July 13, 1982).

90. Id. at 6-9.

YCA was enacted in response to extensive research into the characteristics of youthful offenders in an attempt to develop an effective rehabilitation system. These studies indicated that rehabilitation of youthful offenders requires a highly specialized system of treatment that relies heavily on flexibility in the method and duration of treatment. The amount of time needed to rehabilitate a particular youthful offender cannot be predicted. The six-year indeterminate sentence ensures that offenders will be treated for a period sufficient to accomplish the rehabilitative goals desired, while providing for early release when the youth is ready to return to society.

The FMA, in contrast, was not an attempt to provide rehabilitation for youthful offenders. Rather, its purpose was to increase the efficiency of the court system by expanding the supplemental role of magistrates. Extending the sentencing limits of the FMA to judges provide treatment that will promote rehabilitation and prevent recidivism) with 1979 House Report, supra note 15, at 1 (FMA designed to expand the jurisdiction of magistrates and improve access to federal courts).


94. See Ralston v. Robinson, 454 U.S. 201, 231-32 (1981) (Stevens, J., dissenting); Durst v. United States, 434 U.S. 542, 545-46 (1978); United States v. Cruz, 544 F.2d 1162, 1164 (2d Cir. 1976); 1949 Senate Report, supra note 2, at 8 (statement of James Bennett, Director, Bureau of Prisons); Legislative Reappraisal, supra note 3, at 244-45.

95. 1949 Senate Report, supra note 2, at 8 (statement of James Bennett, Director, Bureau of Prisons).

96. Ralston v. Robinson, 454 U.S. 201, 231 (1981) (Stevens, J., dissenting); 1949 Senate Report, supra note 2, at 8 (statement of James Bennett, Director, Bureau of Prisons). If the adult sentence is longer than six years and the court finds that the youthful offender may not derive maximum benefit from the six-year indeterminate sentence, the youth may be sentenced for a longer period not to exceed the adult sentence. 18 U.S.C. § 5010(c) (1976); see United States v. Christians, 702 F.2d 740, 741 (8th Cir. 1983) (per curiam).

97. 1949 Senate Report, supra note 2, at 8 (statement of James Bennett, Director, Bureau of Prisons); see Watts v. Hadden, 651 F.2d 1354, 1376 (10th Cir. 1981); Shepard v. Taylor, 556 F.2d 648, 652 (2d Cir. 1977); Government's Role, supra note 3, at 469. Youths conditionally released from commitment will be under supervision in the community for at least one year. See supra note 8.


would restrict them to a one-year indeterminate sentence for misdemeanants—which Congress never intended—in place of the six-year provision that Congress specifically prescribed for judges in the YCA.

Thus, as recognized by all three branches of government, the policies that have traditionally justified longer sentences for youthful offenders are still valid. The FMA, basically an administrative statute, should not be interpreted as eliminating the sentencing disparities between adult and youthful offenders which are justified by the Bureau's implementation of rehabilitative programs. Nevertheless, inequitable sentence disparities remain between youths tried before a judge and those tried before a magistrate because the maximum sentence depends on which official he is sentenced by.

100. See Burns v. United States, 552 F.2d 828, 830-31 (8th Cir. 1977); United States v. Jackson, 550 F.2d 830, 831-32 (2d Cir. 1977); United States v. Cruz, 544 F.2d 1162, 1164 (2d Cir. 1976). It has been asserted that the flexibility of the YCA has been undermined by the mechanical application of parole guidelines in determining when a youthful offender is to be released. United States v. Jackson, 550 F.2d 830, 832 (2d Cir. 1977); United States v. Cruz, 544 F.2d 1162, 1164 n.6 (2d Cir. 1976); United States v. Torun, 537 F.2d 661, 664 (2d Cir. 1976); United States ex rel. Mayet v. Sigler, 403 F. Supp. 1243, 1244 (M.D. Pa. 1975), aff'd mem., 556 F.2d 570 (3d Cir. 1977); Parole Guidelines, supra note 79, at 500-01; see United States v. Wallulatum, 600 F.2d 1261, 1263 (9th Cir. 1979). The parole guidelines focus on the severity of the offense rather than the offender's institutional progress. Parole Guidelines, supra note 79, at 501; see 28 C.F.R. § 2.20 (1982). It has been held that the Parole Commission, in evaluating youthful offenders, must consider both the factors enumerated in the parole guidelines and the progress of the offender. Watts v. Hadden, 651 F.2d 1354, 1381 (10th Cir. 1981) ("If release decisions are made without reference to the progress of the youth offender . . . the indeterminate sentencing provisions become little more than arbitrary imposition of additional punishment on youth offenders."). But see Shepard v. Taylor, 556 F.2d 648, 654 (2d Cir. 1977) (invalidating retroactive application of parole guidelines to a youthful offender but recognizing the validity of the guidelines' objective criteria when evaluating youth offenders).

101. See supra notes 81-90 and accompanying text.

102. See United States v. Donelson, 695 F.2d 583, 586, 588 (D.C. Cir. 1982). When a statute is subject to more than one reasonable interpretation, there is a presumption against choosing the interpretation that will render the statute unconstitutional. See 2A C. Sands, supra note 38, § 56.04. However, if the words of a statute clearly indicate that Congress intended a result that is unconstitutional, the law must be invalidated. United States v. Thompson, 452 F.2d 1333, 1341 (D.C. Cir. 1971), cert. denied, 405 U.S. 996 (1972). The interpretation of the FMA that creates sentence disparities should be accepted because the legislative history and wording of the FMA do not support an interpretation that would extend limits to district court judges. See supra pt. I(A).

103. Similar disparities exist when youths are placed on probation. Under the FMA, magistrates may only impose on youths a one-year period of probation. 18 U.S.C. § 3401(g)(3) (Supp. V 1981). Youth offenders sentenced by a judge, however, are subject to the adult probation limit of five years. See id. § 3651 (1976 & Supp. V 1981); Partridge, supra note 76, at 203.
II. REMAINING DISPARITIES UNDER THE FMA

A. Equal Protection

The only court that has addressed the constitutionality of the sentencing disparities created by the FMA is the United States Court of Appeals for the District of Columbia in United States v. Donelson. The defendant was tried before a district court judge and was convicted of the misdemeanor offense of heroin possession. Donelson was within the age requirements of the YCA and was sentenced to the six-year indeterminate sentence. He challenged his sentence on constitutional grounds, asserting that his right to equal protection had been violated by the imposition of a maximum term six times longer than he would have been subject to had he been tried before a magistrate.

The constitutional guarantee of equal protection of the law requires equal treatment for those who are "similarly situated." This guarantee of equal treatment, however, will not invalidate every statutory classification. To survive a constitutional challenge, classifications among similarly situated persons must be at least rationally related to legitimate governmental goals. In analyzing the constitutionality of

104. 695 F.2d 583 (D.C. Cir. 1982).
105. Id. at 584. Donelson was originally charged with both a felony and a misdemeanor charge. As a result of plea bargaining, the felony charge was dismissed. Id.
106. Id.
107. Id. at 588-89; see also Brief for Appellant at 24-25, United States v. Donelson, 695 F.2d 583 (D.C. Cir. 1982).
the FMA sentence limitations, therefore, it must be first determined whether a youthful offender sentenced by a district court judge is similarly situated to one sentenced by a magistrate. If they are similarly situated, the FMA classification will not be constitutionally permissible unless it is "reasonable in light of its purpose."  

1. Similarity of Defendants Sentenced by Magistrates and Judges

The Donelson court held that misdemeanants sentenced by a judge and those sentenced by a magistrate are not similarly situated. The court noted that certain defendants possess unique characteristics requiring that their cases be heard by a judge. Because the expertise of the magistrate is presumably less than that of the district court judge, the court concluded that youthful offenders before different officials

[111. See supra note 108 and accompanying text.]


[113. United States v. Donelson, 695 F.2d 583, 589 (D.C. Cir. 1982).]

[114. See id. at 589-90. The court interpreted the FMA as granting exclusive jurisdiction over misdemeanor cases to magistrates unless one of the following circumstances, which mandate district court adjudication, is present; the defendant's refusal to consent to magistrate jurisdiction, removal of the case by the district court, or inclusion of a felony count in the original charge. Id. The wording and legislative history of the FMA, however, do not support such an interpretation. The statute grants jurisdiction to magistrates when specifically designated by the district court. 18 U.S.C. § 3401(a) (1976 & Supp. V 1981). The magistrate serves as an adjunct to the district court, exercising his authority as the needs of the court demand. "[A]t all times the court maintains power to try the case itself." 125 Cong. Rec. 26,819 (1979) (statement of Rep. Rodino); cf. United States v. Gonzalez-Cervantes, 668 F.2d 1073, 1075-76 (9th Cir. 1981) (while it appears that the magistrate must exercise jurisdiction in a criminal proceeding, his jurisdiction is not mandatory in a juvenile delinquency proceeding). The FMA phrases both the magistrate's juvenile and youth offender jurisdiction in permissive rather than mandatory terms, indicating that in YCA cases, as well as in juvenile cases, the magistrate is not required to exercise jurisdiction. 18 U.S.C. § 3401(g)(h) (Supp. V 1981).]
cannot be considered similar and therefore are not entitled to equal
treatment.115

The “unique characteristics” relied on in Donelson, however, do
not justify disparate sentencing. The FMA authorizes magistrates to
hear all misdemeanor cases,116 but provides for two circumstances in
which a district judge will preside: first, if the defendant does not
consent to trial by magistrate;117 and second, if the district judge
removes the case to the district court.118 According to Donelson, a
third circumstance—if the misdemeanor charge was initially accom-
panied by a felony charge that was later dismissed or reduced—also
justifies sentencing by the district judge.119 While these distinctions
may be valid for determining which forum a defendant should be
tried before,120 they do not relate to the character of the defendant or
the severity of the offense committed.

For instance, classification based on consent to magistrate jurisdic-
tion is related solely to post-arrest circumstances that relate not to the
defendant’s conduct or “situation,” but rather to whether he wishes to
exercise his right to trial by a district court judge. A defendant should
not be penalized by a longer maximum sentence because he chooses to
be tried before a judge.121 Similarly, classification based upon removal
by the district court results in the imposition of longer sentences not
because the crimes committed were more severe, but because the cases

116. See supra notes 27-30 and accompanying text.
117. 18 U.S.C. § 3401(b) (Supp. V 1981); see Rule 2(b)(5)-(6) of Procedure for the
Trial of Misdemeanors Before U.S. Magistrates.
118. 18 U.S.C. § 3401(f) (Supp. V 1981). The court may remove the case on its
own motion or, “for good cause shown,” on petition by the prosecution. Id. Good
cause may be based on the novelty, importance, or complexity of the case; the
defendant's criminal history; the desirability of prompt disposition; and the experi-
ence of the magistrate. 28 C.F.R. § 52.02(b)(1) (1982).
119. United States v. Donelson, 695 F.2d 583, 589-90 (D.C. Cir. 1982) (Retention
of jurisdiction over these cases is “a necessarily implied exception to the statute’s
general rule that misdemeanors be referred initially to magistrates.”).
120. See id. For example, if a defendant is initially charged with a felony and
pleads guilty to a misdemeanor, judicial economy would be served by the judge
retaining the case instead of transferring it to a magistrate merely for sentencing.
death penalty only upon recommendation of jury impermissibly burdens exercise of
defendant’s right to jury trial); Griffin v. California, 380 U.S. 609, 614 (1965)
(comment to jury on defendant’s refusal to testify impermissibly penalizes defend-
United States, 397 U.S. 742, 756-58 (1970) (jury trial right not impermissibly bur-
dened by permitting death penalty only if trial is by jury, if guilty plea was voluntar-
ily and intelligently made). It has been asserted that the youthful misdemeanant’s
right to trial by district court judge is impermissibly burdened by the threat of a
But see United States v. Donelson, 695 F.2d 583, 590-91 (D.C. Cir. 1982).
were sufficiently "novel," "important" or "complex" to warrant the district court judge's attention. Moreover, these characterizations may vary depending on the jurisdiction involved and the time constraints of a particular judge. For example, a case that is perceived as routine by an experienced judge with an overloaded docket may be considered novel by another judge with less experience and more time. Although the structure of the magistrate system is designed to allow this very sort of flexibility, the maximum sentence of a defendant should not be affected by such considerations. Additionally, subjecting a defendant to a longer sentence because his case is deemed "novel" or "important" penalizes him on the basis of a determination that is both subjectively made and unrelated to the severity of his offense and his rehabilitative needs.

The final "unique" circumstance that purportedly justifies the classification is illustrated in Donelson, in which the defendant was tried in the district court because a felony charge originally accompanied the misdemeanor charge. The defendant was thus subjected to a sentence longer than that possible for an identical defendant in the magistrate's court merely because an unproven (and perhaps baseless) felony charge had been asserted. The inequity of classifying defendants based upon unproven accusations is magnified when it is noted that judges, after a felony charge has been dropped, may refer the remaining misdemeanor charge to a magistrate, but are not required to do so. Although judicial economy may justify retaining such cases in the district court, the length of the defendant's sentence should not be affected by such an arbitrary standard.


123. 1979 Hearings, supra note 57, at 137 (testimony of Daniel J. Meador, Assistant Attorney General); 1977 Hearings, supra note 26, at 188-89 (same). See supra note 55 and accompanying text.

124. See supra notes 116-23 and accompanying text.


126. See United States v. Donelson, 695 F.2d 583, 590 (D.C. Cir. 1982) (interpreting the authorization of "additional duties" in 28 U.S.C. § 636(b)(3) (1976) as granting district courts the power to refer cases to magistrates).

127. See supra notes 120-23 and accompanying text.

128. The Donelson court reasoned that a dismissed felony charge justified the imposition of a more severe sentence because a sentencing judge may consider facts related to other charges when determining the sentence to be imposed. 695 F.2d at 590; see United States v. Marines, 535 F.2d 552, 554 (10th Cir. 1976) (per curiam); United States v. Majors, 490 F.2d 1321, 1324 (10th Cir. 1974), cert. denied, 420 U.S. 932 (1975); United States v. Doyle, 348 F.2d 715, 721 (2d Cir.), cert. denied, 382
The Donelson court held that once the defendant is before the district court, he is not similar to a defendant tried by a magistrate because the magistrate possesses less expertise than the judge and therefore should be limited in his sentencing authority.\textsuperscript{129} Even assuming that the expertise of the trying official has any relevance to determining whether two defendants are similarly situated, magistrates must make the same determinations as district court judges when sentencing youth offenders.\textsuperscript{130} When a youthful defendant is convicted, each official must impose the YCA sentence unless a specific finding is made that the defendant will derive no benefit from the rehabilitative sentence.\textsuperscript{131} Each official, in imposing YCA sentences, must determine whether the defendant is in need of commitment or should be placed on probation.\textsuperscript{132} If YCA commitment is chosen, the magistrate must sentence the youth to a YCA sentence not in excess of one year;\textsuperscript{133} the judge must impose the indeterminate six-year sentence.\textsuperscript{134} The only discernible difference between defendants tried by a judge and those tried by a magistrate is the length of sentence that will ultimately be imposed. The assertion that defendants are not similarly situated for the purpose of sentencing merely because they

\textsuperscript{129} United States v. Donelson, 695 F.2d 583, 589 (D.C. Cir. 1982).
\textsuperscript{130} With the exception of the sentence limitation, the magistrate is authorized to exercise all the powers of the district court. 18 U.S.C. § 3401(g) (Supp. V 1981).
\textsuperscript{131} Id. § 5010(d) (1976); see Dorszynski v. United States, 418 U.S. 424, 425-26 (1974).
\textsuperscript{133} Id. § 3401(g)(1) (Supp. V 1981). Because the YCA rehabilitative sentence is authorized for magistrates under the FMA, it would appear that the one-year limit requires that the sentence be of the same indeterminate character as the YCA six-year sentence. However, the FMA has been interpreted as authorizing magistrates to impose a sentence of less than one year. Partridge, supra note 76, at 201. \textit{But see} United States v. Sachs, 679 F.2d 1015, 1020 (1st Cir. 1982) (treatment sentence imposed by a magistrate is the same, in its indeterminate nature, as that imposed by a judge).
\textsuperscript{134} 18 U.S.C. §§ 5010(b), 5017(c) (1976). See supra note 4. If the adult sentence is longer than six years, a longer sentence may be imposed if it is determined that the youth may not derive sufficient benefit from the six-year sentence. Id. § 5010(c).
are sentenced by different officials is an arbitrary classification based on illusory distinctions.\(^\text{135}\)

Based on their offenses alone, misdemeanor defendants, whether sentenced by a judge or a magistrate, should be considered similarly situated.\(^\text{136}\) Accordingly, before the classification can be upheld, it must be determined whether the one-year/six-year sentencing distinction is rationally related to a legitimate government interest.

2. Rational Relationship to a Legitimate Governmental Interest

The classification of youths sentenced by a judge and youths sentenced by a magistrate will be upheld if rationally related to a legitimate governmental interest.\(^\text{137}\) Congress imposed the one-year sentence limitation on magistrates to reconcile the YCA six-year indeterminate sentence with the traditional limits of magistrate jurisdiction.\(^\text{138}\) While the government may have a legitimate interest in circumscribing the magistrate's jurisdiction, the sentencing limits of the FMA do not further this interest.

Magistrates are authorized to try cases involving misdemeanors,\(^\text{139}\) which are defined as crimes carrying a maximum sentence of one year imprisonment.\(^\text{140}\) Arguably, because youthful misdemeanants are subject to the six-year sentence, YCA cases, without the one-year restriction, would fall beyond the scope of magistrate jurisdiction.\(^\text{141}\) The possibility of longer commitment under the YCA, however, does not convert a misdemeanor into a more serious crime.\(^\text{142}\) The determina-
tion whether to impose YCA sentencing does not relate to the seriousness of the crime committed, but rather to the youthful offender's potential for rehabilitation.\textsuperscript{143} Therefore, the characterization of an offense as a misdemeanor is unaffected by the possibility of a YCA sentence.

Moreover, even though the period of YCA commitment may be longer, it does not result in more severe punishment.\textsuperscript{144} Longer YCA commitment has consistently been upheld because it provides treatment “in lieu of . . . imprisonment”\textsuperscript{145} and offers the best chance for the rehabilitation of youthful offenders.\textsuperscript{146} Therefore, the six-year indeterminate sentence should not be construed as falling outside the limits of magistrate jurisdiction. Consequently, because the traditional limits on magistrate jurisdiction were not endangered by the six-year sentence, the governmental interest in reconciling the two statutes is not legitimate. As a result, the classification created by the FMA between youthful offenders tried by magistrates and those tried by judges cannot withstand equal protection scrutiny.

\section*{B. Policy Reasons Against the One-Year Limit}

In addition to the equal protection problems of the FMA's sentence limitations, the policies of the YCA require the elimination of disparities between sentences imposed by judges and those imposed by magistrates. It has been said that “[n]o federal statute having to do with sentencing compares in comprehensiveness with the [YCA].”\textsuperscript{147} Its provisions represent a decade of research into the most effective way of dealing with youthful offenders.\textsuperscript{148} The indeterminate sentence was intentionally designed to exceed the normal time limitations of adult sentencing to provide the key elements of flexibility and individuality necessary for proper YCA treatment.\textsuperscript{149} The one-year sentence of the


\textsuperscript{144} See United States v. Ramirez, 556 F.2d 909, 924-25 (9th Cir. 1976) (Chambers, J., dissenting), cert. denied, 434 U.S. 926 (1977); Harvin v. United States, 445 F.2d 675, 679 (D.C. Cir.) (en banc) (per curiam), cert. denied, 404 U.S. 943 (1971); Cunningham v. United States, 256 F.2d 467, 472 (5th Cir. 1958).

\textsuperscript{145} 18 U.S.C. § 5010(b) (1976); e.g., Rogers v. United States, 326 F.2d 56, 57 (10th Cir. 1963); Carter v. United States, 306 F.2d 283, 285 (D.C. Cir. 1962); Cunningham v. United States, 256 F.2d 467, 472 (5th Cir. 1958); see United States v. Vaught, 355 F. Supp. 1348, 1349 (W.D. Mo. 1972).

\textsuperscript{146} See supra notes 92-97 and accompanying text.


\textsuperscript{148} See supra note 92 and accompanying text.

\textsuperscript{149} Ralston v. Robinson, 454 U.S. 201, 231-32 (1981) (Stevens, J., dissenting); Durst v. United States, 434 U.S. 543, 546 (1978); United States v. Cruz, 544 F.2d
FMA was never contemplated by the drafters of the YCA and was devised without consideration of the effects of a shorter sentence on youthful offenders. To allow youths to choose the one-year sentence by consenting to magistrate jurisdiction would defeat the flexibility that Congress has determined is necessary for the success of YCA treatment. Congress, in recognition of YCA goals, extended to the magistrate the power to impose the rehabilitative sentence; however, it reduced the likelihood of successful rehabilitation by so severely limiting the sentence period.

III. Proposed Solutions

The Judicial Conference, in reviewing the merits of the FMA, stated that Congress had not recognized the problem of sentence disparities between judges and magistrates when it enacted the FMA. The Conference recommended that Congress take steps to eliminate those disparities. This could be accomplished in several ways.

For example, Congress could statutorily impose on judges the limits that Amidon found implicit in the FMA; that is, it could limit all YCA sentences for misdemeanors to one year. While this solution would eliminate constitutional problems by equalizing commitment imposed in all cases, it would diminish the flexibility of the YCA system, thus hindering its rehabilitative goals.

Alternatively, YCA jurisdiction could simply be removed from the magistrate. Again, this proposal would eliminate sentence disparities because all YCA defendants would be sentenced by a judge and would therefore be subject to the six-year sentence. Although this solution

1162, 1164 (2d Cir. 1976); 1949 Senate Report, supra note 2, at 8 (statement of James Bennett, Director, Bureau of Prisons).
150. See supra note 100.
151. See United States v. Donelson, 695 F.2d 583, 587 (D.C. Cir. 1982).
153. See supra notes 93-97 and accompanying text.
156. Id. at 55. The Conference also recommended the elimination of the one-year probation limit because it does not provide sufficient time for a meaningful program of rehabilitation for the youth offender. Id. at 53-54, 84.
158. See supra notes 93-94 and accompanying text.
would further the goals of the YCA, such a restriction on the magistrate's authority would frustrate the FMA's goal of judicial efficiency. Magistrates have been applauded for their extensive contributions to the judicial system and have proven their competence in the criminal area. Their jurisdiction should not be unnecessarily restricted.

Another solution would be to allow magistrates to try cases involving youthful misdemeanants but to reserve the function of YCA sentencing to judges. This alternative would enable the magistrate to hear all cases presently authorized by the FMA while providing defendants with the full benefit of YCA sentencing. Such a division of authority, however, unnecessarily complicates the trial and sentencing process, thereby hindering the goals of efficiency and speed. Moreover, as indicated by the authority granted in the FMA to impose YCA sentences, the magistrate is competent to make the delicate determination whether a defendant would benefit from YCA commitment. It is not necessary for the judge to take over this function.

Finally, Congress could eliminate the one-year YCA sentencing limitation of the FMA, thereby granting magistrates the full sentencing power of the YCA. This solution is the superior alternative because it eliminates both the constitutional and policy dilemmas of disparate sentencing, while furthering the objectives of both the YCA and FMA. The FMA goal of judicial efficiency is served by keeping youthful misdemeanants within the magistrate's jurisdiction, and the rehabilitative objectives of the YCA are furthered by providing all youthful misdemeanants with the full benefits of the YCA.

CONCLUSION

The YCA was designed to provide an effective system of rehabilitative treatment for youthful offenders. Limitations imposed by the FMA undermine the flexibility of the statute and impermissibly impose disparate sentences on similarly situated defendants. While the disparities may be eliminated in several ways, the only solution that also furthers the goals of both the YCA and the FMA is amendment of the FMA to allow the equal exercise of YCA sentencing authority by judges and magistrates.

Catherine B. Andreycak

159. See supra notes 92-97 and accompanying text.
160. See supra note 99 and accompanying text.
162. See supra note 27-29.
163. See supra note 31 and accompanying text.