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Mr. Michael Courlander
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Dear Mr. Courlander:

This letter is in response to the Sentencing Commission's request for comment on proposed amendment number 11 which would amend and consolidate U.S.S.G. §§ 2S1.1 and 2S1.2 governing money laundering offenses.

Proposed amendment number 11 with the modifications suggested below would be in the public interest and should be adopted because it would tie the base offense levels for money laundering violations more closely to the underlying illegal conduct. The suggested modifications would help to carry out this worthwhile objective.

The current money laundering guidelines operate to thwart the Commission's policy determinations because they escalate the sentences above the punishment which the Commission determined was appropriate for non-violent non-drug crimes. As the Commission's Money Laundering Working Group's study clearly demonstrates, simply by adding a violation of 18 U.S.C. §§ 1956 or 1957 the government has been able to obtain a significantly higher guideline sentencing range than the underlying offense would yield in the normal case. The Commission staff's study of 1991 sentences showed that 40 percent of the prosecuted money laundering cases were not related to drug trafficking and in those cases the offense level for the money laundering conduct exceeded that for the underlying conduct 96 percent of the time.

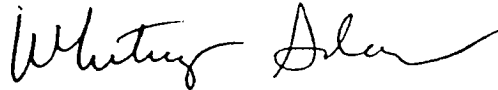
The following modifications to the proposed amendment would better achieve the Commission's stated goal and the public's interest in relating the offense levels more closely to the offense level for the underlying offense from which the funds were derived.

First, where the defendant committed the underlying offense and the offense level can be determined, the base offense level for the underlying offense should be applied in all cases, not just in those cases where the base offense level would exceed the base offense level in proposed § 291.1(a)(2) or (3). This offense level then would be increased by any specific offense characteristics under proposed § 291.1(b). To achieve this result, I would suggest deleting from the instruction in § 291.1(a) "(Apply the greatest)" and suggest inserting the term "otherwise" after subparagraph (3).

Second, the Commission should make the base offense level in proposed § 291.1(a)(3) the same as the base offense level for fraud and deceit (§ 2F1.1). Therefore, I would suggest changing proposed § 291.1(a)(3) to a base offense level of 6 plus the number of offense levels from the table in § 2F1.1

I strongly support the Commission's effort to make the sentencing guidelines uniform and fair.

Very truly yours,



Whitney Adams

cc: Amy Rudnick