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February 21, 1995

The Honorable Richard Conaboy
Chairman, United States Sentencing Commission
1 Columbus Circle Northeast
Suite 2-500, South Lobby
Washington, DC 10002-8002

RE: Proposed Amendment to Section 2S1.1 of the United
States Sentencing Guidelines (Money Laundering
Offenses)

Dear Judge Conaboy:

I am writing you to express support for the proposed Amendment for the Sentencing Guideline pertaining to money laundering offenses, and to urge the Sentencing Commission that in justice and fairness said Amendment should be made retroactive.

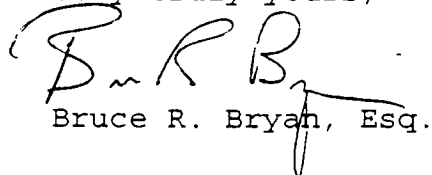
I commend the Sentencing Commission for recognizing that the present Sentencing Guideline pertaining to money laundering offenses has been inequitably applied in the past, and has not reflected the intent of Congress at the time that Congress enacted Section 1956. I agree with the Sentencing Commission's conclusion that Congress intended that heavier sentences be imposed for money laundering when connected with illegal drug activity. Unfortunately, the present Sentencing Guideline has been used by prosecutors to obtain more severe sentences than those intended by Congress in non-drug related activities, such as white collar crimes involving fraud or deceit.

Justice dictates that an individual defendant should not be subjected to a sentence for money laundering that greatly exceeds the sentence imposed for the underlying criminal charge from which the money laundering charge was derived. I believe that the proposed amendment of the United States Sentencing Commission more fairly reflects the intent of Congress, and differentiates between activities considered more severe and less severe by Congress.

I am especially writing to urge the Sentencing Commission to rule that the proposed Amendment be retroactive. I respectfully submit that in the interest of fairness and justice, defendants who have been previously unfairly sentenced under the now existing Sentencing Guideline should have the benefit of this proposed Amendment. I believe that standard statutory construction mandates retroactive application of the Amendment, once adopted. The basis of the Amendment is that Congress, at the time that it enacted Sections 1556 and 1557 of Title 18 of the United States Code did not intend for the more severe sentences for a money laundering charge to be applied to non-drug related activities, such as white collar fraud and deceit. Based upon the foregoing, an Amendment would then be a clarification of the intent of Congress as it existed in 1986 when Congress enacted such statutes. The Sentencing Commission, during the interim period, did not have the benefit of case law to interpret the intent of Congress. The Sentencing Commission has now concluded that Congress' intent in 1986 was to only impose the more severe sentences in drug related crimes. Therefore, I respectfully submit that the defendants sentenced in the interim have a right to the benefit of such re-interpretation and clarification of Congressional intent as it existed in 1986 and should be permitted the benefit of such reduction. Defendants may well have rights to such an interpretation under the due process and equal protection clauses of the United States Constitution. Moreover, I simply state as a matter of justice and fairness that it would be improper to differentiate between defendants subsequently sentenced under the new Amendment, and those who had been unfairly sentenced under the previous guidelines.

In sum, I applaud the Sentencing Commission for taking the steps to propose the foregoing Amendment, and I urge the Sentencing Commission to adopt such Amendment and to make it retroactive.

Very truly yours,


Bruce R. Bryan, Esq.

BRB/mcf