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March 8, 2001

Michael Courlander, Public Affairs Officer
United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500
Washington, DC 20002-8002

Re: Comment – Proposed Amendment 18 – Immigration

Gentlemen:

I am the original author of the Aggravated Felon Removal Act, which was enacted by Congress as part of the Omnibus Crime Control Act in November 1988.

I strongly agree with the concept that the current uniformly applied 16 level enhancement is inappropriate.

The term "Aggravated Felon" was designed by me to only apply to non-citizens convicted of Murder, Robbery, Rape, Kidnapping and Felony Sale of Narcotics. The Sentencing Commission appropriately set a 16 level enhancement for these types of cases. Unfortunately, over the last 12 years Congress has substantively expanded the original narrow definition of what should constitute an Aggravated Felony.

I intend to suggest to the House and Senate Immigration Sub-Committees that the current overly broad definition be scaled back so the original intent can be effectuated.

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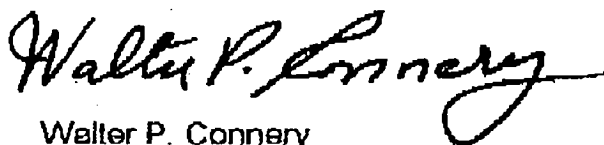
Thus, your proposal in Option One to impose a 16 level increase over base on those that have been convicted of an aggravated felony involving death, serious bodily injury, the discharge or other use of a firearm, or a serious drug trafficking offense is remarkably prescient on your part! In this option, which is the one I recommend, you correctly discern that these particular crimes, not the sentence should be the trigger. This is appropriate, since in some courts cases can be disposed of with minimum sentencing provided the defendant will be deported.

With respect to Option One I would merely add the crimes of Rape and Robbery to the listing. Kidnapping, which I had in the original act, fortunately does not occur that often so it could be deleted. However, Rape and Robbery should be definitely included.

I again commend you on discerning and proposing appropriate corrections to a serious problem. The additions of expanded definitions, etc. to my original act have not only offended my pride of authorship but are missing the mark and ensnaring inappropriate people.

If I can arrange my schedule, I wish to testify at the public hearing and will be in contact with you tomorrow with respect to this.

Sincerely,



Walter P. Connery