

STATEMENT OF

SAMUEL J. BUFFONE, CHAIRPERSON
U.S. SENTENCING COMMISSION COMMITTEE
CRIMINAL JUSTICE SECTION

Item 51. There appears to be no justification for altering the relationship between sections 3B1.1 and 3B1.3. Such a change would result in increased sentences and is therefore objectionable for the reasons set forth in the body of the testimony.

TESTIMONY BY PAUL D. BORMAN, CHIEF FEDERAL DEFENDER, LEGAL AID AND DEFENDER ASSOCIATION OF DETROIT, ON BEHALF OF THE FEDERAL DEFENDERS, TO THE U.S. SENTENCING COMMISSION, MARCH 15, 1990, RE PROPOSED GUIDELINE AMENDMENTS (THE POSITION PAPER IN FINAL FORM WILL BE SUBMITTED BY MARCH 30, 1990).

#51, Page 55 -- §3B1.3

We believe that this provision should not be piggy-backed on top of §3B1.1.

We do not believe there is any need for specifying types of conduct.

STATEMENT OF
BENSON WEINTRAUB
ON BEHALF OF THE
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

51. USSG §3B1.3 (Abuse of Trust) should not be amended either to specify the types of conduct which this adjustment covers or to make it cumulative to any adjustment under USSG §3B1.1.