



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY

Washington, D.C. 20503

March 27, 2009

The Honorable Ricardo H. Hinojosa
Chairman
United States Sentencing Commission
One Columbus Circle N.E.
Suite 2-500 South Lobby
Washington, DC 20002-8002

Dear Mr. Chairman:

As the Commission prepares to establish sentencing guidelines for the Drug Trafficking Vessel Interdiction Act of 2008, I request that you carefully consider setting the base offense level at 34 due to the serious threat posed by self propelled semi-submersible vessels (SPSS) and their crews. The specific intent of Congress in passing this legislation was to bring these skilled, highly paid crews to justice despite their proclivity to destroy the vessels and all other evidence of their criminal intent. Congress recognized that unregistered SPSS vessels have no legitimate use on international voyages and present an inherent threat to the safety of maritime navigation and the security of the United States, regardless of the presence or type of contraband carried. I strongly support setting a base offense level of 34, as it will result in sentences that properly reflect the criminality of the conduct and remain within prescribed statutory limits.

Interviews of individuals captured aboard SPSS vessels originating in Colombia have revealed that most Colombians are well aware of the existence and the cargo of what they refer to as "cocaine coffins." They line up along the docks in Buenaventura for the lucrative opportunity to sail aboard them and are willing to risk their lives in these inherently dangerous craft for payments equivalent to 30 years of legitimate wages in Colombia (often more than \$100,000). Whatever personal reasons drive the crewmembers to make a conscious decision to participate in an SPSS smuggling venture, the fact remains that they knowingly and willingly choose to commit a felonious offense.

The United States Coast Guard asked the Commission to consider setting the guideline sentencing range for a section 2285 violation at a level that will "disincentivize" the intentional sinking of a submersible or semi-submersible vessel by its crew. These SPSS crews display a wanton disregard for the lives threatened by their illicit cargo and particularly for the lives of the law enforcement officials who attempt to prevent them from delivering their poison. The fact that these crews are willing to risk their own lives (as well as others) to avoid prosecution for their offenses makes it perfectly clear that they are fully cognizant of the insidious nature of their cargo and the consequences of their actions if brought to justice.

Adding to the human toll exacted by the egregious transgressions of SPSS crewmembers are the environmental issues associated with their activities. The crews who scuttle the SPSS vessels do so with wanton disregard of the environmental impact of their actions, deliberately allowing their multi-ton cargoes of narcotic drugs, chemicals and diesel fuel to foul the oceanic environment.

I urge the Commission to adopt sentencing guidelines that properly reflect the very serious national security threat that Congress addressed by passing the Drug Trafficking Vessel Interdiction Act of 2008. The proposed base offense level of 34 meets that critical sentencing objective.

Sincerely,

A handwritten signature in black ink, appearing to read "E. H. Jurith". The signature is stylized and somewhat cursive.

Edward H. Jurith
Acting Director