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March 24, 2009

SENT BY EMAIL AND REGULAR MAIL

United States Sentencing Commission
Attention: Public Affairs-Public Comment
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, DC 20002-8002

Re: 2009 Request for Public Comment

Dear Commission:

Having worked in law firms during the savings and loan crisis of the 1980s where the Resolution Trust Corporation liquidated the assets of over 700 savings and loan associations, lessons MUST NOT have been learned since now in 2009, the housing market has again collapsed with the banking industry and three car makers receiving approval for bailout monies from the federal government. It seems as if all the people involved in the savings and loan crisis went to work in real estate, banks, and automotive plants. A local business has a sign out front that states, "We need a bailout. Eat more kolaches." This slogan, in my mind, sums up the current financial and political position for early 2009, not to mention the uproar about Stanford Financial, Madoff and the AIG bonuses. That is why reading the Section 8D1.3 proposed amendment disturbs me because you would think that these "Conditions of Probation - Organizations" would deter corporate crime.

Additionally, the August 28, 2008 U.S. Department of Justice memo by Mark Filip entitled *Principles of Federal Prosecution of Business Organizations* offers a little ray of hope for the way prosecutors handle corporate prosecution, but the American Correctional Association article in Correctional News entitled *State Judges Urge Obama Support for Sentencing Reform* blasts the Sentencing Guidelines stating "[s]entencing guidelines designed to reduce disparities, provide measure of truth in sentencing and

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slow prison growth, have failed, according to Muniz and Wolf, who is chair of Missouri's Sentencing Advisory Commission. Unfortunately, when people write about the federal sentencing guidelines, they do not concentrate on organizational sentencing guidelines.

This 2009 Public Comment supports:

1. Striking Section 8D1.3(b) and inserting the proposed amendment (b) as published in the Federal Register with the following change:

"... unreasonable, in which event the court shall impose one or more other conditions set forth in 18 U.S.C. § 3563(b) *and (c).*"

2. The United States Sentencing Commission should conduct critically important "compare and contrast research" on the savings and loan crisis of the 1980s and the Resolution Trust Corporation with the 2008 crisis to see if, as stated in Section 8D1.3(c), "other conditions" could be imposed by courts to deter corporate crime. Obviously, business entities must be following the black letter of the law, but not the spirit of the law or the causes of the savings and loan problems of the 1980s were not fully uncovered so that appropriate remedial action (after the Guidelines were implemented in 1991) could be taken to prevent the same thing from occurring in 2008 into 2009 now. As stated in the *Principles* memo discussed above, "prosecution of a corporation is not a substitute for the prosecution of criminally culpable individuals within or without the corporation. Because a corporation can act only through individuals, imposition of individual criminal liability may provide the strongest deterrent against future corporate wrongdoings.";

3. WCDI volunteers forty (40) hours of research time for the above project;

4. Reactivate the Organizational Guidelines Advisory Group to address "other conditions" discussed above; and

5. Update to 2009 the Organizational Guidelines tab and webpage information on the United States Sentencing Commission website.

Thank you very much for the opportunity to have provided the above Public Comment.

Sincerely,

/s/

L.A. Wright
Legal Criminalist/Consulting Expert

/law