# MONEY LAUNDERING CRIMINALIZATION IN UNITED STATES AND THE THEORETICAL REASONS BEHIND IT

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This paper will use three different models analyzed in the prospective of three different hypotheticals to explain what is wrong with money laundering and why it should be criminalized, and then turn this guidance to concrete practical and legislative problems. The models chosen are very different from each other and they are carefully selected among the others available, to better explain the three main variations of criminalization of money laundering. The hypotheticals have also been chosen from substantive underlying crimes that produced the proceeds in different ways, combined with various techniques of money laundering in consistency with the variety and the overbroad specifications of § 1956 and § 1957.

I. Three models to be analyzed

a. Model number one

The first model proposed is a model that describes money laundering as a process that is developed to cover the substantive offense responsible for producing the illegal funds. If we could express this model under a parasitic theory previously discussed, the host offense is the one that has been covered up by the parasitic offense, in this case the process of laundering the illegal funds. This first model offers the approach of a complicity structure developed under the sense of a parasitic crime, defining theoretically money laundering in the role of aider or abettor that helps after the commission of the offense by covering up the evidence. The evidence in this case is the illegal proceed, the money generated by the underlying offense.

This model offers a backward looking theory that commonly is described as a retributivist theory of punishment. Retributivists firmly point out the idea that the mere past facts that a crime was committed, are enough to impose punishment without entering in the merit of the consequences of the punishment. Tomáš Sobek in his article Good Consequences describes the core of retributivism theory of punishment *"[w]e, as society (or the state), have not only a moral right, but also a moral duty to punish an offender, because he did something morally wrong, and so from the moral point of view he deserves an appropriate punishment"*[2].

Under this structure, we will try now to apply three different hypotheticals. The first hypothetical regards crossing the border from United

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[2] Tomáš Sobek, GOOD CONSEQUENCES, The Lawyer Quarterly, p. 1 (2011).

States to Canada, with an amount of 18 000$ hidden in the car to avoid border control, in violation of border declaration and money laundering statute § 1957. The actor has knowledge that the proceed is derived by a health care fraud scheme, carefully thought by his doctor, in this case not the same actor that is crossing the border. The person who is crossing the border is one of his clients that was going to Canada for vacations and was doing this "favor" to the doctor in exchange of some privilege treatment for him. The scheme, without entering in details, involves producing invoices and subsequently mostly checks and money orders for visits and subscriptions never existed. During the past six months, the doctor took more than $18 000 from this illegal activity. The entire amount was transported as checks to be cashed in a Canadian bank. Shortly we can describe the health care fraud as the host offense and the transportation across the border, as the parasitic one. Although the patient surely may not have any specific intent regarding the money, can be charged under § 1957 only with the knowledge requirement of the illegal derivation of the funds.

Under this first model, cashing the money in Canada, by avoiding the border declaration, when someone has the knowledge that the proceeds is created by illegal activity, can be argued that the underlying substantive offense, the health care fraud is covered up by the transportation of the key evidence, the money check forms, the process of concealing the checks, by an illegal transportation across the border, to cash the money elsewhere. Is this the main reason why money laundering is punishable, because it serves as a powerful tool to cover up previous illegal activities? Is this enough to impose punishment and to justify criminalization? I will try to answer these questions after posing the two other hypotheticals.

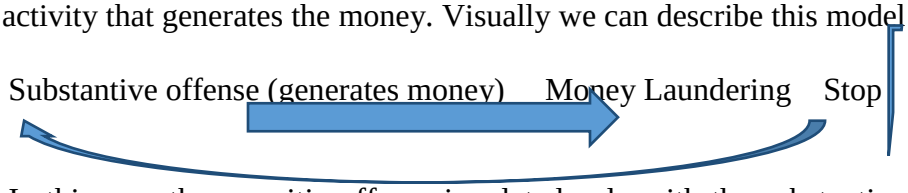
The second hypothetical is the underlying substantive offense that created the illegal cash is drug selling and the parasitic aiding offense, is the travel agency that produces fake invoices in addition to the real one, so the money profited by this business after tax declaration, are legal derived funds that can be invested or reused in any form. The drug dealer and the owner of the travel agency are the same person. In this case, it is clear that the illegal activity is covered up by the complicity of the second layer offense that serves as a machine to launder the illegal proceeds. Discussing this hypothetical in a complicity structure, producing the fake invoices and all the process related to that, constitutes the aiding to the disappearance of the evidence generated by the drug selling activity.

We now turn on the last hypothetical before analyzing all of them in light of the premises of the first model, money laundering as a complicity structure, built and presumably criminalized to cover up previous offenses.

The third hypothetical is somehow more complicated and is regarding an organized criminal group with major activity in illegal gambling. All the

funds that the group creates by this activity are mostly cash. The substantive host in this case is the illegal gambling that produces the money. It is useful to make here a distinction between legal casinos that launder money in their everyday activity and illegal gambling that produces illegal funds. These hypothetical deals with the later one. The money laundering scheme is composed by some affiliates of the organization and some other actors not related to the group, but part of the laundering scheme. The scheme consists in a Caribbean-Based Investment Advisor Group. According to the documents, V and S lived in the Cayman Islands and worked for an investment firm based there. V and S conspired to conceal and disguise property believed to be the proceeds of illegal gambling, specifically $2 million. V and S helped the organization by using their services to hide assets from the U.S. government, including the IRS and were assisted by the organization's accountants P in laundering purported criminal proceeds through an offshore structure by investing, reinvesting and issuing fake invoices. The investment firm assured that it would neither disclose the investments or any investment gains to the U.S. government, nor would it provide monthly statements or other investment statements to the clients. Clients, in this case the organization, were able to monitor their investments online through the use of anonymous, numeric passcodes. Upon request from the U.S. clients, V and S liquidated investments and transferred money, through P, back to the United States in form of payments for investments, totally cleaned and far from the underlying offense that produced the funds.

After taking in consideration these different money laundering hypotheticals, we now turn to the analyses under this proposed model. In all three cases, money laundering structure worked as a perfect cover up for the illegal activity that generates the money. Visually we can describe this model as:




In this case the parasitic offense is related only with the substantive offense that generated the money and under this model money laundering should be criminalized only because it serves as a powerful tool for covering up previous criminality. Money laundering role in this complicity scheme criminalizes the offense only because it generates a freeway, a cleanup and regenerating situation, by helping to avoid punishment for the previous layer that generated the illegal proceed. The moral blameworthiness and the harm present in the substantive offense, in this case the drug selling, the health care fraud or the illegal gambling is covered by the money laundering process of the tourist agency, border crossing with the checks and the

offshore company. All of them are viewed as an accomplice role in the complicity structure.

I believe thinking money laundering only as a cover up, complicity structure for the illegal proceeds generator, is in part wrong or maybe curtailed, and only serves to underestimate the crime, although I believe this view is partially right. The legislator may have seen something deeply more wrongful in this conduct to impose such harsh punishment, and I am not refereeing to legislative history, but to the deep theoretical motives that serve as a guidance when the State imposes punishment and criminalizes certain conducts or behaviors. However, this model reflects as we saw from the hypotheticals applied, that its role as a cover up second layer for the other offense, suits perfectly to money laundering. After the process of transforming the funds in legal derived ones, the process stops because under this model, money laundering is designed and consequently criminalized only for the purpose of covering up criminality. The offense of money laundering in this case is criminalized only for the purpose of the role of an accomplice for the previous offense that generated the harm and was morally wrong. By covering up and aiding to cover up it carries a form of what I have called "transferred moral blame" or "transferred harm causative". Anyway it seems abnormal to create such as broad and harsh statute only because this role, as discussed in light of the first model, especially when in most of the cases the covering up offense is punished more severely than the offense that created such harm or that is a morally wrong behavior.

The answers maybe two. First, without going deep into the legislative history because it is not in the aim of the article, money laundering in itself may carry moral blameworthiness and harm, for other reasons besides the role in covering up the underlying crime. The second reason is that money laundering is conceptually, theoretically treated wrongly and consequently punishment does not manifest the real moral blameworthiness, the harm caused or the wrongfulness behind this offense.

I am more persuaded by the first reason, even though I may agree somehow with the second. That is why I now turn to discuss the other models that may help us in shedding more light for these questions.

a. Model number two

The second model will try to analyze the same hypotheticals in light of a complete different prospective. Money laundering impact in the global economy is overwhelming, because of the amount of money that every year is "cleaned by this process"[3]. Under this model, money laundering will be understood as an independent economic crime that creates harm to the

[3] In this context the term cleaned describes the process of laundering the illegal proceeds.

financial system in general. In light of this view, we will take into consideration the three hypotheticals. First, money laundering processes of the tourist agency, crossing the border with the checks and the offshore company can be described as harm causing factors to the country financial system, the international financial system and consequently to the government and the entire society.

All society is affected by the financial system anomaly because in this case money laundering as a typical financial crime endangers the whole economy and creates a disbalance in the monetary system because the proceeds are illegal, so derived from an informal way, out of the system. Introducing these funds as legitimate, thus produced by legal formal ways, creates harm for the system and consequently its citizen. This theory seems abstract and usually it is criminalized by malum prohibitum crimes and punished as such. The specificity of money laundering as part of financial crimes that is punished severely as a malum per se crime, offers even more a puzzling analysis under this model. This view was also explored earlier in this article.

Another plausible theory of criminalizing money laundering under this model is the unfair enrichment of a specific category of the society that gained laundered funds from illegal activities. These funds after the money laundering process, are usable as legal derived ones, in the same ways as a law abiding citizen has the right to use their legal funds. It seems unfair and morally wrong for the society that two different citizens - one has legal funds and the other - illegal laundered funds, to have the same access in buying goods. In economical terms there is a disadvantage created by the illegal proceeds introduced into the system by the process of money laundering. Retributivists, the so called forfeiture-based retributivists[4] observe that the state has a right to punish an actor because the offender violated certain rights of other people by committing crime. Simultaneously this actor loses his own right not to be treated in such a manner. Sobek argues that[5] *"[i]f*

[4] Tomáš Sobek, GOOD CONSEQUENCES, The Lawyer Quarterly, p. 8 (2011). Cited from Murray Rothbard formulated a theory of "proportionality", which means that an offender loses his rights, at most to a scope, in which he deprived another person of his rights. Therefore, e.g. a capital punishment is admissible for a criminal act of murder. At the same time, it is crucial that punishment is not understood as paying a debt to society, but as paying a debt to a victim of crime. In the Libertarian world, there are no crimes against society as a whole in abstract, but merely crimes against individuals, or particular groups of individuals. Withal it is allowed that a victim of crime forgives an offender a part, or even his entire punishment: "The proportionate level of punishment sets the right of the victim, the permissible upper bound of punishment; but how much or whether the victim decides to exercise that right is up to him." See ROTHBARD M. N., The Ethics of Liberty, New York, p. 89 (1982).

[5] Id.

*somebody violates certain rights of other people, it does not mean that he loses all his rights, but he loses only those rights, which he violates himself. Therefore the starting point is an idea that there is a significant relationship between own moral rights and moral duties towards other people."*

Another theory of punishment discussed also under the retributivism philosophy is the concept of retributivist of fairness discussed under the theory that society is understood as mutual beneficial cooperative enterprise assured by coercion, while the violation of societal rules (e.g. payment of taxes, breaking speed limits, counterfeiting of money) is understood as unfair advantage against those persons, who abide to these rules.[6] The paradigmatic example offered by Dagger[7] a *"thief that steals something in a shop, he is not only impairing the balance vis-à-vis of the salesman, whom he robbed, but also vis-à-vis all people, who abide by law. As his benefit does not lie only in the value of a thing, which he stole, but also in the fact, that he uses freedom in a certain kind of activity (theft), which other people denied themselves to advantage of maintenance of a system, the benefits of which he uses himself."*[8]

Herbert Morris developed the idea that, a *"[m]an, who benefits from opportunities, which are created by law as a social institution, but does not restrict himself according to requirements of law, is a free rider in the system of social cooperation, thus in a certain manner he impairs fair distribution of costs and profits of this system."*[9] Hart pointed out in this connection, that sanction ought not to be only motivation to abide by law, but it also ought to be a guarantee, so that those who voluntarily abide by law cannot be sacrificed for the sake of those, who violate it. Those, who violate law, should not ride on the backs of those who abide by it.

Maybe under these theories money laundering ought to be punished because money launderers are as free riders that impair fair distribution of the goods and create damage to individuals by violating certain rights of other people by committing money laundering. Simultaneously this actor loses their own right not to be treated in such a manner. By punishing those actors, the person who was "damaged" by this unequal unfair enrichment regained his equal position in society and the balance disrupted by laundering and reintegrating out of system proceeds, indirectly regenerates society's balance.

Graphically model number two can be illustrated as below:

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[6] Tomáš Sobek, GOOD CONSEQUENCES, The Lawyer Quarterly, p. 11 (2011).
[7] Richard Dagger, Playing Fair with Punishment, in Ethics, The University of Chicago Press, Vol. 103, No. 3, 473, 478 (1993).
[8] Tomáš Sobek, GOOD CONSEQUENCES, The Lawyer Quarterly, p. 11 (2011).
[9] Herbert Morris, Persons and Punishment, The Monist Volume 52, Issue 4 : Human Rights, 475, 480 (1968).

Substantive offense (creates proceeds) ---------- Money laundering

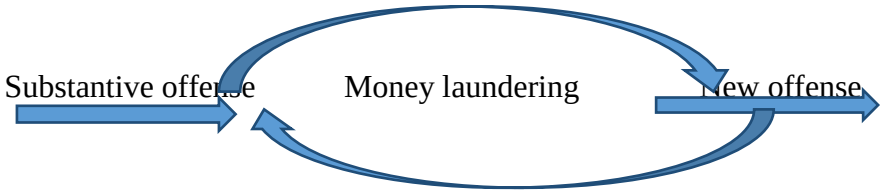
All the theories and arguments are theoretically right if discussed in light of other offenses, but they seem not enough and not that deep theoretically routed to explain or fully justify money laundering reasons of criminalization nowadays. A further discussion of other theories will clarify more why the real reasons of criminalization, in my opinion, can be better justified under other theories.

Undoubtedly, in all the hypotheticals the financial harm is present and is clear that the global and financial systems all over the world are dealing with these issues day by day. The informal market is predominated globally by criminality and black market work, but criminalization of money laundering seems deeper and cannot be justified only under this model. Probably the reasons to take in consideration in understanding the correct approach are the same as the previous model and similarly, I tend to believe that model number two even though expressing right reasons theoretically right in general, cannot fully explain criminalization of money laundering in definitive.

First, it is too far to see this offense as an independent crime that generates harm by itself because it is viewed as a crime against economy or even property. Second, no other financially related crime is punished so harshly. At last, it is absurd to theoretically treat the actions that we extensively analyzed, as distinct from each other because of the risk of punishing completely legal conducts as crossing the border, a bank transaction, opening a business, writing a check or a money order or simple swiping the credit card in a machine. Everyone of each clearly is a legitimate action that needs to be justified theoretically by something else, if criminalized. I now turn to the last model.

b. Model number three.

The last model is designed in a more complicated way. The same hypotheticals will apply to this model. The last model approach to money laundering is viewed as more complex because money laundering in this case is between the substantive offense that created the illegal proceeds and a possible new offense. Before trying to apply the hypotheticals and analyze this model, a graphical illustration would be very useful.



As it can be seen from the graphical illustration this model offers a new variable to take in consideration, the foreseeability of a new crime after the process of money laundering. What does this mean?

First, many cases have shown in practice that the illegal proceeds laundered are being reused to sponsor or finance another illegal activity or offense. In this case money laundering initiates a vicious circle structured to finance new crimes and recycle old crimes. Its position is as a stabilizer and incentive to implement criminality. Let me explain better by trying to repropose under your attention the view described by the first model. That model or theory proposed only half of the reasons of criminalization shown by the current model, with not only the look in the past, but also towards the future. In model number one, money laundering was viewed having a cover up recycle tool for the underlying substantive offense that created the money. This model should be viewed with an additional supposed layer that takes place in time after the money laundering process is complete. The process of laundering under this proposal is a mandatory element for the existence of the model.

Under this proposal, the three hypotheticals would be analyzed by taking into consideration now the fact that the illegal proceeds laundered would be used as an incentive for new criminal actions. In the case of the transportation of illegal health care fraud seems very odd that the funds will serve as a new sponsor for further criminal acts, but this is not certain. Maybe some of that money will go to pay bribes for bank or state employees that are suspicious about the source of the money. This is not certain, but in the end this third hypothetical layer is important as a fact that generally previous illegal money tends to be easily handled in further criminal activities. Illegal money tends to be used differently from legal one because of its flexibility to reproduce criminality. Statistics show this trend.

The other two hypotheticals result is more predictable because of the fact that criminal organizations or drug dealers usually reuse the money for illegal activities. Usually they are used for the purpose of creating the bases of further illegal activities or further money laundering processes, for instance opening new activities to launder money, creating new offshore companies, paying fees to expert money launderers etc. This facilitation derived from the illegal laundered proceeds, serves as a dangerous incentive for further criminalization. This is the view under the third new layer proposed by this model.

This model shows that money laundering in this case is in the middle of a vicious circle of criminality. The center is abstractly seen as a generator of new criminality by adsorbing the harm previously created and wrongfulness of the first offense and generating new harm or wrongful conducts, by creating the new offense or new possibilities for criminality.

Maybe money laundering is criminalized harshly because of this purpose, or maybe this is only a speculation, but without any doubt this is a real concern for the State and society. It seems to me that the legislator[10], in money laundering was worried by criminalizing this offense not only because of the moral blameworthiness or the harm caused by looking in the past, for what it relates to the underlying offense and its danger, but mostly for the future fear of generating criminality and further wrongful conducts and harm.

Preventing further criminality meets perfectly with all consequentialist reasons of imposing punishment. This view of money laundering as what I call, a "harm generator" or "wrongness generator", seems more logically convincing about the real reasons of criminalization. It is one of the only offenses that embody what I called a transferred and generating concept of criminalization. Without those concepts, what is left is perfectly legal and legitimate.

Money is the most powerful tool of modern societies and the control over it may generate innumerable criminal, social and political problems, especially when a large amount of illegal proceeds can be easily reused in the normal flow of the financial system.

In this case money laundering is not seen as the end of a process related to another offense, but as the major cause of creating criminality, further wrongful conducts and harm by covering up previous criminality and simultaneously creating new ones.

Under this view, it makes a perfect sense to impose punishment under both retributivist and consequentialist theories. Money laundering should be punished not only because of the morally wrong conduct and harm caused because of the inextricably relation with the crime that generated the illegal proceeds, but mostly to prevent further criminality because in a forward looking theory imposing such harsh punishment, serves to achieve good consequences.

II. What is the result under the models and which model is more suitable to shed light to the issue.

All the models proposed in the previous chapters tried to understand money laundering criminalization in view of three different approaches. The hypotheticals discussed and analyzed above, emphasized different aspects of money laundering that can be the real theoretical reasons behind criminalization.

In my opinion, model number three offers a more comprehensive understanding, as money laundering is abstractly seen as a generator of new criminality by adsorbing harm by the first offense and generating harm, by creating the new offense or new possibilities of criminality.

[10] In view of the previous explanation.

I find more persuasive the theory that undoubtedly money laundering is a financial crime; the legislator criminalized this offense not only because of the moral blameworthiness or the harm caused by looking in the past for what it relates to the underlying offense, but mostly for the future fear of generating criminality. Theoretically this is the soundest explanation of the real reasons behind criminalization. In any case the reasons of criminalization are usually cumulative by different factors that have influenced the legislative process.

III. What can be done to improve practical and legislative problems by using the models as a guide?

As we discussed previously, there are many practical issues that need to be solved or at least addressed differently. There is a concrete problem regarding money laundering penalties that tend to be harsher compared to the underlying criminal offense. It is difficult to find a practical solution acceptable, but it is also true that if money laundering is seen as a generator of criminality, with a position in the middle of a vicious circle, the policy reasons for imposing harsh punishments may justify the sanctions. This approach does not justify money laundering punishment to be way disparate from the underlying offense, but means that the legislator and the guidelines have to punish money laundering adequately without exceeding the sentence by three times compared to the substantive offense, as it may be now.

I believe that there are two more practical problems that need to be addressed more than the problem of the harsher criminalization in itself. First is the problem of the overbroad range of actus reus that money laundering includes. This offense needs to be construed narrowly in order to punish those who really engage in the process of laundering illegal proceed and not expand the scope to all financial crimes. I believe that the legislator can justify the harsh punishments better when the offense is strictly directed to those how really committed money laundering. I believe that money laundering should serve more as an offense that really prevents new criminality, related to illegal proceeds, rather than a tool in the hand of a prosecutor when the State needs to incarcerate with any cost.

Second, there has to be a distinction between those actors who engage in complicated and sophisticated scheme and the mere illegal transportation at the border. As we saw from the models and as I previously discussed, although the transportation across the border is a financial crime that maybe creates harm for society, it is less improbable that in this case money laundering would be a generator for a new offense. The legislator has to distinguish between levels of elaboration of the techniques and tools used, in order to create a better balance during the imposition of punishment within different types of money laundering. This result may suggest that certain actus reus should be left out the money laundering statutes and criminalized

as a consequence of something else, which does not perfectly fit with money laundering reasons of criminalization, as analyzed in this article.

a. The problematics of this theory

My article, as usually every new theory, has maybe a view too theoretical and academic and not with a real impact in practice. I insist that every possible solution or development cannot be understood separately from the real reasons behind criminalization. I believe that the theories analyzed and the models explored, discussed extensively the real roots of criminalization. We can agree that as a starting point, the guidance for resolving legislative and practical issue is easier, after this approach.

Second, I believe that I can be criticized for the fact that money laundering as a relatively new crime, because of its specificity, needs to be addressed besides the national aspect by international measures. Money laundering involves usually at least two or more jurisdictions, so an international proposal needed to be addressed by this article to improve the international efforts. I tried to clarify that money laundering in an international prospective opens new points of view and indirectly new added reasons for criminalization besides the ones discussed here. I truly believe that the international effort and regulations are directly and strictly related with the national ones. By trying to answer the reason behind money laundering criminalization locally, I believe that I may apply those suggestions in an international prospective or in a comparative view with other national legislations.

Third, the models explore three different areas of how money laundering criminalization could be seen, and none of them is wrong conceptually speaking. I modestly respond that no absolute truth was at stake. For the models proposed - more suitable is the one that better fits in the real reasons behind criminalization. I extensively stated that model three clarifies better this view. The hypotheticals applied perfectly supported this approach.

IV. Conclusion

This article tried to go to the real core of understanding the real reasons under the criminalization of money laundering, explored by three different models structured to understand this offense in prospective of three different views. All the models were subject of a deep practical analysis, tested by the implementation of three completely different hypotheticals.

Although as previously stated, all the models offer valid prospective to understand money laundering, the third model proposed the more valid answer to the question raised. Money laundering is criminalized because the model showed that money laundering is in the middle of a vicious circle of criminality. The center is abstractly seen as a generator of new criminality by adsorbing the harm and wrongfulness previously created by the first offense,

and generates harm and wrongful conducts, by creating the new offenses or new possibilities for criminality. The legislator in money laundering was worried by criminalizing this offense not only because of the moral blameworthiness or the harm caused by looking in the past, for what it relates to the underlying offense and its danger, but mostly for the future fear of generating criminality and further wrongful conducts and harm.

Preventing further criminality meets perfectly with all consequentialist reasons of imposing punishment. This view of money laundering as a "harm generator" or "wrongness generator" is the most convincing about the real reasons of criminalization. It is one of the only offenses that embody what I called a transferred and generating concept of criminalization. Without those concepts, what is left is perfectly legal and legitimate.

I think uprooting the system from the starting point, in this case by destroying the money laundering process, previous and further criminality would be destroyed. In this case money laundering is not seen as the end of a process related to another offense, but as the major cause of creating criminality, further wrongful conducts and harm by covering up previous criminality and simultaneously creating new ones.

Under this view it makes a perfect sense to impose punishment under both retributivist and consequentialist theories. Money laundering should be punished not only because of the morally wrong conduct and harm caused because of the inextricably relation with the crime that generated the illegal proceeds, but mostly to prevent further criminality, because in a forward looking theory of punishment, imposing such harsh punishment serves to achieve good consequences.

Without the money, criminals will go deeper in the shadows of a dark illegal word where dirty money can be used without being laundered. This world will start to be smaller in the future and not influent for the normal world of law abiding citizens.

I am aware that this may sound like the words of a utopia because infringing the law and the desire for money is in the human nature, but our duty at the end is making this world a better place to live and not making it perfect. I believe that trying to minimize money laundering as much as we can would definitely help to prevent as a prophylactic measure, and destroy further criminality. There are powerful reasons for doing that, and most of them I believe were discussed modestly in this article.

*BIBLIOGRAPHY*

1. Bonnie Buchanan, Money laundering – a global obstacle, 18 Research in International Business and Finance (2004).

2. James R. Richards, Transnational Criminal Organizations, Cybercrime, and Money Laundering (Harvey Cane. eds., 1st ed. 1999)

3. James B. Johnston, AN EXAMINATION OF NEW JERSEY'S MONEY LAUNDERING STATUTES, 30 Seton Hall Legis. J. (2005).

4. Teresa E. Adams, TACKING ON MONEY LAUNDERING CHARGES TO WHITE COLLAR CRIMES: WHAT DID CONGRESS INTEND, AND WHAT ARE THE COURTS DOING?, 17 Ga. St. U. L. Rev. (2000).

5. Carolyn L. Hart, Money laundering, 51 Am. Crim. L. Rev. (2012).

6. WestLawNext Publications, *United States v Gallo* 927 F2d 815 (1991).

7. William G. Phelps, Validity, construction, and application of 18 U.S.C.A § 1956, which criminalizes money laundering, 121 A.L.R Fed. (1994).

8. WestLawNext Publications *U.S. v. Oliveros*, 275 F.3d 1299 (11th Cir. 2001).

9. Walter Perkel, MONEY LAUNDERING AND TERRORISM: INFORMAL VALUE TRANSFER SYSTEM, 41 Am. Crim. L. Rev. (2004).

10. Charles Doyle, Money Laundering: An Overview of 18 U.S.C. 1956 and Related Federal Criminal Law February 8, 2012.

11. U.N. Financial Action Task Force, Money Laundering through the Football Sector, Report, July (2009).

12. U.N. Financial Action Task Force, Vulnerabilities of Casinos and Gaming Sector, Report, March (2009).

13. U.S Gov'T Accountability Office, GAO-02-670, Report of the Chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, MONEY LAUNDERING Extent of Money Laundering through Credit Cards is Unknown. July (2002).

14. WestLawNext Publications, *United States v Campbell* 977 F2d 854 (1992).

15. WestLawNext Publications *United States v. Santos*, 553 U.S. 507 (2008).

16. Rachel Zimarowski, TAKING A GAMBLE: MONEY LAUNDERING AFTER INTED STATES v. SANTOS, 112 W. Va. L. Rev. (2010).

17. Kevin Scura, Money Laundering, 50Am. Crim. L. Rev. (2013).

18. Mariano-Florentino Cuéllar, THE TENUOS RELATIONSHIP BETWEEN THE FIGHT AGAINST MONEY LAUNDERING AND THE DISRUPTION OF CRIMINAL FINANCE, 93 J. Crim. L & Criminology (2003).

19. H. L. A Hart, Punishment and Responsibility (Oxford eds., 2nd ed. 2008).

20. Tomáš Sobek, GOOD CONSEQUENCES, The Lawyer Quarterly, p. 14 (2011). Cited from, SCHEFFLER S., The Rejection of Consequentialism, Oxford 1982; MULGAN T., The Demands of Consequentialism, Oxford 2001; Mendola J., Goodness and Justice: A Consequentialist Moral Theory, Cambridge 2006.

21. H. L. A. Hart, Are there any natural rights? Part of The Philosophical Review, Vol 64. N0.2., (1955).

22. Luis E. Chiesa, Substantive Criminal Law (Carolina Academic Press. eds., 1th ed. 2014).

23. John Hasnas, Attempt, Preparation, and Harm: The Case of the Jealous Ex-Husband, 9 Ohio St. J. Crim. L. (2012).

24. Gideon Yaffe, CRIMINAL ATTEMPTS 124 Yale L.J. (2014).

25. Tomáš Sobek, GOOD CONSEQUENCES, The Lawyer Quarterly, (2011).

26. Richard Dagger, Playing Fair with Punishment, in Ethics, The University of Chicago Press, Vol. 103, No. 3, (1993).

27. Herbert Morris, Persons and Punishment, The Monist Volume 52, Issue 4: Human Rights, (1968).

28. Federal Money Laundering Regulation: Banking, Corporate and Securities Compliance Levy Part VI - State and International Measures, Chapter 24, WORLDWIDE EFFORTS AGAINST MONEY LAUNDERING, Explanation: Treatise § 27.02 ELEMENTS OF A SOUND NATIONAL PROGRAM (2014).

29. Tax Fraud & Evasion Current Through 2014, Ian M. Comisky, Lawrence S. Feld, Steven M. Harris, Sentencing for Tax, Money-Laundering, and Currency-Reporting Offenses, MONEY-LAUNDERING AND CURRENCY-REPORTING GUIDELINES.

30. Sandra D. Jordan, FRAUD AND MONEY LAUNDERING -- A RENEWED LOOK AT SENTENCING GUIDELINES, 17 No. 8 White-Collar Crime Rep. 1, (2003).

31. Steven Philippsohn, Computers & Security, 20 (2001) 485-490 Money Laundering on the Internet 0167-4048/01$20.00 © 2001 Elsevier Science Ltd.

32. Santha Vaithilingam, Mahendhiran Nair, Mapping global money laundering trends: Lessons from the pace setters, Research in International Business and Finance 23 (2009) 18–30.

33. FATF, Combating Predicate Crimes Involved in Money Laundering.

34. Laura Grossfield Birger, Money-Laundering Statutes May Implicate The Innocent Recent Third Circuit Decision Suggests There Are Limitations, Law Journal Newsletters, Volume 19, Number 5, January 2012.

35. JULIE L. MYERS, MONEY LAUNDERING-USING FINANCIAL EXPERTISE TO GET THE BAD GUYS, Assistant Secretary of Homeland Security, U.S. Immigration and Customs Enforcement Delivered to the World Research Group Anti-Money Laundering and Fraud Prevention Conference, Arlington, Virginia, November 13, 2007.

36. JOHN WALKER, BRIGITTE UNGER, Measuring Global Money Laundering, The Walker Gravity Model, University of Wollongong, Australia; Utrecht University School of Economics, (2009).