



Congressional Black Caucus

OF THE 110TH UNITED STATES CONGRESS

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Change Course, Confront Crises, Continue the Legacy

November 7, 2007

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

Dear Judge Hinojosa:

Since 1995, the Sentencing Commission has repeatedly advised Congress that there is no rational, scientific basis for the 100 to 1 ratio between crack and powder cocaine sentences. To ameliorate the unduly harsh penalties for crack, the Commission saw fit this year to amend the Sentencing Guidelines and reduce the base offense level for crack cocaine defendants sentenced after November 1, 2007.

We understand that the Commission is now considering making that Amendment retroactive. In the interest of justice and equity, we strongly support making this modest Amendment retroactive.

The Commission has a sound precedent upon which to base retroactivity of the crack guideline. In 1993, 1995 and 2005 the Commission opted to make amendments that reduced certain drug sentencing guidelines retroactive. In each case - LSD, marijuana and oxycodone - it was the right decision and handled without great difficulty. The beneficiaries of those reduced guideline sentences were largely White offenders.

Now the Commission has the opportunity to provide relief to another group of offenders; this time those who benefit would largely be African Americans. It would be unconscionable to say that individuals serving crack cocaine sentences are any less deserving of justice than those who benefited from the Commission's earlier decisions.

We understand that the numbers of crack prisoners eligible for retroactivity is far greater than the number of prisoners who benefited from previous retroactive guideline changes. Justice, however, should not turn on whether the process is convenient or cumbersome.

We hope the Commission will recognize that justice and equity demand that the crack cocaine guideline be made retroactive and vote accordingly.

Sincerely,

Carolyn Cheeks Kilpatrick
Chairwoman
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Chairman
Committee on the Judiciary

Robert "Bobby" C. Scott
Chairman
Subcommittee on Crime,
Terrorism and Homeland
Security

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Timothy J. [unclear]

Al Dean

Cliff [unclear]
Stephen [unclear]

Keith Ellison

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Wendell [unclear]

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[unclear]

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[unclear]
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