



November 5, 2007

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

Re: Retroactive Application of Amended Crack Sentencing Guideline

Dear Judge Hinojosa:

I write on behalf of the Rainbow PUSH Coalition to urge the Commission to retroactively apply the amended cocaine base sentencing guidelines. The Commission has previously applied amendments to the guidelines retroactively, without over-burdening the courts. Nor will retroactive application thwart the role of Congress in prescribing criminal sentences. It is likely that many requests for review will ensue – retroactive application merely provides an orderly administration of these claims.

African American communities have been decimated by hyper-incarceration over the past 20 years, in large part due to the federal drug sentencing guidelines. The Rainbow PUSH Coalition receives hundreds of calls each year from persons seeking post-conviction relief. There are now more than 1,000,000 black males imprisoned, to the detriment of their children and extended families. According to Sentencing Commission figures, there are more than 19,000 inmates who could possibly benefit from retroactive implementation of the amendment. We deplore the sale and use of illegal drugs, but the federal sentencing has not proven effective to make communities safer from this scourge.

Numerous sources support the fact that the crack/powder sentencing disparity has had a disproportionate impact on African American defendants, with no appreciable decline in the availability or use of cocaine. Basic fairness to defendants sentenced under the previous guidelines supports retroactive application of the amendment. It is also an important way to assure the public that sentencing is consistent – an important consideration that supports public respect for the role of federal courts in administering justice. We understand that the amended guidelines offer only a partial relief, nevertheless, retroactive reduction of the 100:1 crack/powder disparity represents a significant step in the right direction.

Sincerely,

Janice L. Mathis, Esq.

Cc: Rev. Jesse L. Jackson, Sr.

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