

THE SAN FRANCISCO FOUNDATION

The Community Foundation of the Bay Area

September 11, 2007

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

Dear Chairman Hinojosa:

I am writing to urge the Commission to make its proposed amendment to the crack sentencing guidelines retroactive if the amendment goes into effect on November 1st.

It is a matter of equal justice that those who were sentenced especially harshly for crack violations be able to benefit from any sentence reductions proposed. Clearly, the injustice of the current sentencing guidelines led to the proposed amendment and it would be particularly cruel to deny those sentenced under unjust guidelines the benefits of a change.

The distrust of law enforcement in communities of color has clearly been reinforced by sentencing guidelines that appear to be biased against those communities. This is good neither for communities of color nor for anyone else. Since a precedent for retroactive application of sentencing guidelines has already been set in the case of LSD, marijuana, and Percocet for predominantly White offenders, it is only right and just that the same consideration be given to African-Americans who have been disproportionately affected by crack cocaine and thus its harsh punishments. The Commission has the authority to show that the law can (and should) be color-blind by making the proposed amendment retroactive.

Thank you for your consideration.

Sincerely,



Ron Rowell
Program Officer – Social Justice

(62)