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Public Affairs – Retroactivity Public Comment  
United States Sentencing Commission  
One Columbus Circle, NE  
South Lobby  
Washington, DC 20002-8002

**Re: Retroactivity of Amendment to Crack-Cocaine Guidelines**

Dear Sir/Madam:

I am a panel attorney working out of the United States District Court for the Eastern District of Michigan and am involved in federal appointments pursuant to the Criminal Justice Act. I have practiced in the federal courts for over 30 years.

I am writing in support of making the proposed amendments to the crack-cocaine guidelines, reducing the offense levels by two levels, retroactive. I have personally seen through my many years of practice, involving dozens of controlled substance cases in the federal courts, the unfair and unjust disparities in sentences that are imposed by federal judges pursuant to the previously mandatory, and now advisory, guidelines.

The unfairness exhibits itself in many forms. First, is the 100 to 1 ratio of cocaine base [c to powder cocaine that has no scientific or criminal justice justification. Second, the gross disparity in minority groups, and in particular, African Americans, that get caught up in the federal criminal justice system for low-level crack-cocaine trafficking. Third, the USSG 5K1.1 guidelines for substantial assistance departures rewards the most culpable individuals and, thus, makes for great disparities in sentences for those often less culpable than the actual cocaine traffickers.

Those individuals in the past sentenced to unusually long sentences for crack-cocaine were often first-offenders who did not need lengthy rehabilitation or a lengthy sentence. The lengthy sentences that those individuals received, would cause collateral hardship to family members who were without the love and support, both financially and

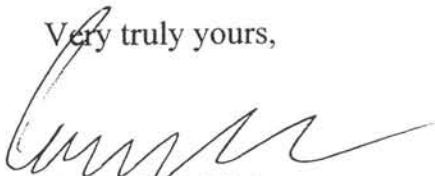
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emotionally, from their family members who received the unjust and unusually lengthy sentence caused by the guidelines.

I believe that making the crack-cocaine amendment retroactive will help alleviate these hardships and ensure some rational fairness to sentencing under the Federal Criminal Code.

Lastly, a reduction of the sentence length for crack-cocaine offenders will save significant amounts of money that the Bureau of Prisons has to spend to incarcerate these individuals, which is approximately \$25,000 per year, which would be better spent on community-based treatment and education.

Very truly yours,



Edward C. Wishnow

ECW/srf