

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216  
One Hundred Tenth Congress

November 6, 2007

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

Dear Judge Hinojosa:

We write to express our concern that the Commission may soon vote to make its April amendments to United States Sentencing Guidelines pertaining to crack cocaine apply retroactively. This decision could result in approximately 20,000 drug dealers receiving reduced sentences of more than two years on average.

We are particularly concerned that any decision by the Commission to apply its crack cocaine amendments retroactively will significantly shorten the sentence or result in the release of major crack dealers with long criminal records, including firearms offenses. Yet those convicted of simple possession will see little, if any, reduction.

We question the wisdom of releasing serious drug dealers back into our communities at the same time that many of these communities are experiencing increases in violent crime and more frequent gun violence.

We believe that Congress has the institutional responsibility to establish or modify federal sentencing policies. Congress created the Commission to collect information on sentences and their imposition and to make recommendations to Congress for its use in enacting federal sentences.

The Commission recognized that the issue of retroactivity was just as important as the guideline changes themselves and included in its own rules the requirement that

Generally, promulgated amendments will be given prospective application only. However, in those cases in which the Commission considers an amendment for retroactive application to previously sentenced, imprisoned defendants, it shall decide whether to make the amendment retroactive at the same meeting at which

it decides to promulgate the amendment. Prior to final Commission action on the retroactive application of an amendment, the Commission shall review the retroactivity impact analysis prepared pursuant to Rule 2.2.

Unfortunately, it appears that now the Commission has chosen not to follow this rule in this instance and instead has delayed consideration of this important issue, which will adversely affect communities across the country and interfere with Congress' review of crack cocaine sentencing issues.

We are concerned that the retroactive application of the Commission's April amendment will threaten America's public safety and usurp Congress' authority to perform a thorough, democratic review of the issue.

We therefore urge you not to apply this amendment retroactively.

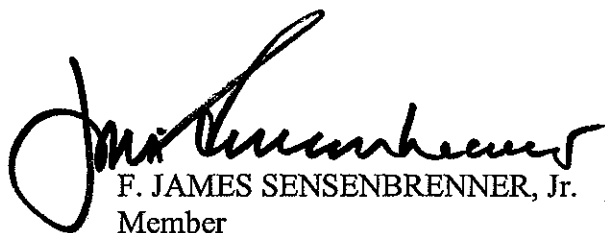
Sincerely,



LAMAR SMITH  
Ranking Member  
House Judiciary Committee



J. RANDY FORBES  
Ranking Member  
Subcommittee on Crime, Terrorism,  
and Homeland Security



F. JAMES SENSENBRENNER, Jr.  
Member  
House Judiciary Committee



HOWARD COBLE  
Ranking Member  
Subcommittee on Courts, the  
Internet, and Intellectual Property



ELTON GALLEGLY  
Member  
House Judiciary Committee



BOB GOODLATTE  
Member  
House Judiciary Committee



STEVE CHABOT  
Member  
House Judiciary Committee



DANIEL E. LUNGREN  
Member  
House Judiciary Committee



CHRIS CANNON  
Ranking Member  
Subcommittee on Commercial  
and Administrative Law



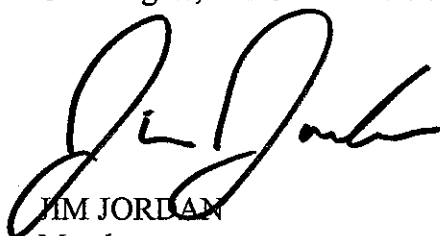
DARRELL ISSA  
Member  
House Judiciary Committee



TRENT FRANKS  
Ranking Member  
Subcommittee on Constitution,  
Civil Rights, and Civil Liberties



LOUIE GOHMERT  
Member  
House Judiciary Committee



JIM JORDAN  
Member  
House Judiciary Committee