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September 10, 2007

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

Dear Chairman Hinojosa,

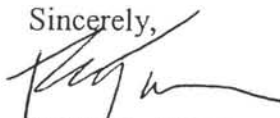
I have been involved in criminal justice issues for 34 years. You can review my background at [www.tieberlaw.com](http://www.tieberlaw.com).

One of the most insidious problems the justice system faces is the appearance of discrimination – against the poor, and against those of color. The crack/powder sentencing disparity issue is one of the key “markers” of this discrimination. It is good that an amendment has been proposed eliminating this destructive situation.

It is my understanding that the amendment is scheduled to be effective on November 1, 2007. I am writing to implore you to do everything in your power to make sure that this amendment is given retroactive effect. There is absolutely no reason why different people should be treated fairly/unfairly based on the date of their alleged transgression. The sentencing disparity based on the form of cocaine, with the cheaper high of crack being generally available to the poor while powder is not, has always been wrong. It is not just wrong after November 1. Punishment should be based on amount, not form.

Thank you for your attention to this matter.

Sincerely,



F. Martin Tieber