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May 16, 2011

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

Dear Commissioners:

This letter is to urge the Commission to make the new crack cocaine guidelines retroactive. I strongly believe this action would be in the public interest and should be done as soon as feasible. The Commission has a great depth of understanding regarding the administration of the criminal justice system and the importance of the sentencing role. My perspective is from that of a legal educator, lawyer, and as a general member of the public. Although I am now a young 81, I recently completed a chapter for a CLE publication, several briefs in appellate courts involving civil issues, and pro bono cases involving post-conviction relief procedures.

As the Commission is well aware, the vast number of federal prisoners serving life or sentences in excess of 25 years is for federal drug offenses. By far, the largest numbers of these life or very lengthy sentences were under crack cocaine guidelines. The Rule 706 Amendment was interpreted not to apply to crack cocaine quantities of more than 4.5 kilograms. The Supreme Court upheld the Justice Department's position that no other changes in the sentencing factors could occur other than as specifically allowed by 706. Consequently, many defendants, particularly those who received life sentences, were not eligible for relief. *Booker* was held not to apply to 706 sentencing.

Many of the defendants who received mandatory life sentences were in their early 20's. I do not believe any worthwhile public purpose is served by keeping these persons incarcerated until they die in prison. A 20 or 25 year sentence is a severe penalty, as the Commission well knows. As the Commission also knows, the severe crack cocaine sentence guidelines were prompted by political fears that the crack cocaine usage would spread to all segments of society and not merely racial minorities. Winning the war on drugs is not accomplished by increasing the number of life sentences. A person in their 20's, even if sentenced to 30 years, has an opportunity to return to society, be a productive member of society, and enjoy the gift of life. The federal prison programs provide opportunities for a broad range of educational and training

programs that will enable federal prisoners to make a satisfactory and positive adjustment to society upon release. These programs have been a factor in reducing the fear of recidivism. Certainly persons who have served 20 or 30 year sentences for crack cocaine are not clamoring on release to resume such activities. The statistics regarding Rule 706 releases support this thesis.

The Sentencing Commission has played and does play a vital role in the administration of justice with fairness and balance for all concerned. The Commission can take great pride on its accomplishments. The Commission will be able to take great pride on making the new crack cocaine guidelines retroactive.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'William VanDerCreek', written in a cursive style.

William VanDerCreek

WV/ajh