

July 7, 2014

The Honorable Patti B. Saris
Chair, U.S. Sentencing Commission
One Columbus Circle NE, Suite 2-500
Washington, DC 20002-8002

Attn: Public Affairs-Retroactivity Public Comment

Dear Judge Saris and Commissioners,

We, the undersigned organizations, write to express our strong support for full retroactivity of Amendment #3, U.S.S.G. § 1B1.10, lowering the base offense levels in the Drug Quantity Table. Making this guideline change retroactive would represent the largest single impact on Hispanic drug defendants in decades.

Hispanics now make up the bulk of federal offenders sentenced and comprise nearly half of all federal drug sentences handed down in recent years. Of the federal prisoners who would be eligible for a reduced sentence under retroactivity, Hispanics make up the largest ethnic demographic (22,224), followed by blacks (15,600 potentially eligible for a sentence reduction) and whites (11,899 potentially eligible). Retroactive application of the drug guideline would impact roughly 30 percent of the total number of Hispanics in federal prison.

The Department of Justice has proposed restrictions to retroactivity that we strongly oppose. Taken together, the Department's restrictions would reduce the number of eligible Hispanic prisoners by half. This is totally unacceptable. Prisoners serving unduly long drug sentences deserve the same treatment that people sentenced after November 1 will receive. Justice should not turn on the arbitrary date one is sentenced.

The Commission has a long and commendable track record of recognizing that corrections to flawed drug sentencing guidelines should, as a matter of fairness, be made retroactively applicable. The same concern for demographic fairness that drove the Commission to make crack cocaine changes retroactive in 2007 and 2011 should apply today to Amendment #3.

Thank you for seriously considering the views of the organizations below, and the thousands of Latino families across the country we represent.

Sincerely,

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Esperanza
National Council of La Raza

LatinoJustice PRLDEF
Southwest Key Programs (Austin, TX)