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EDITORS’ NOTES
Since the Supreme Court’s decision in Blakely, many state sentencing commissions and legislatures have made adjustments to their respective sentencing systems. While this has not (yet?) occurred in the federal system in the wake of Booker, trial and appellate courts have begun to address many of the questions arising from the decision, ranging from retroactivity, to the reasonableness of the sentence, to the continued relevance and weight of the Guidelines. Even though many of these issues are just beginning to percolate, and some have led to circuit splits, overall the federal sentencing system seems to be working. Nevertheless, Congress may begin to consider changes to the system over the summer and in the fall. In addition, the Supreme Court had some major sentencing cases on its agenda, and more are awaiting consideration.

This Issue provides authors from practice and from academia the opportunity to address some of the matters on the Court’s agenda. The next Issue will provide a blueprint on how the federal Guidelines should be revised to make them more user-friendly in the new sentencing environment.

This Issue also provides insights into the Inter-American Commission’s hearings challenging mandatory minimum sentences in the federal system on human rights grounds. In March 2006 the Inter-American Commission on Human Rights heard a challenge to such penalties on the ground that they violate the American Declaration on the Rights and Duties of Man. The Declaration protects the right to equal protection and to a fair trial, and much of the focus on the hearings was on the harshness of the sanctions and their racially disparate application. We have collected all the testimony in the case with a short explanation by Nkechi Taifa, who was instrumental in making the hearings a reality. How courts should address mandatory minimum sentences, especially with regard to the disparity between powder and crack cocaine sentences, will likely also be an issue for the Supreme Court in the near future. While any decision by the Inter-American Commission will be largely hortatory, a ruling against the federal government will add international condemnation to domestic legal arguments against such sanctions.

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