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Dear Representative:

I write on behalf of the American Bar Association (ABA) and its nearly 400,000 members to urge you to support S. 1789, the Fair Sentencing Act of 2010. This legislation was approved unanimously in March by the Senate and is expected to be considered soon by the House of Representatives. We believe that enactment of S. 1789 will be an important step forward in assuring that federal sentencing policies operate fairly and in the interest of equal justice under law.

S. 1789 reduces the federal sentencing between crack and powder cocaine-related offenses from the 100:1 drug quantity ratio enacted in 1986 to an 18:1 ratio. The 1986 law was enacted during a time of what have been proved by time to be exaggerated fears regarding what was then a new form of the drug cocaine. Its adoption of the 100:1 ratio was a very broad guess, one that has long needed revision. The 100:1 ratio has had the unintended consequence of directing federal enforcement resources to low-level drug offenders instead of major and significant drug traffickers and has long perpetuated racially disparate sentences and given rise to the perception of unfairness in the law and justice system. Although we believe the complete elimination of the sentencing disparity is the correct solution, we recognize that the enactment of this reform bill at this time represents an historic bipartisan opportunity to improve fairness in a deeply flawed federal sentencing policy.

While the justifications for the disparity have disappeared, the grossly lengthy sentences remain and are devastating, especially for the African American community. Although the majority of crack cocaine users are white, 80 percent of those convicted of federal crack offenses are African American. As has been documented in four reports to Congress by the United States Sentencing Commission over two decades, the racially disparate application of the 100:1 ratio and its impact on law enforcement priorities have proved to be inconsistent with our nation's commitment to equal justice and fairness.

In March, a bipartisan coalition in the Senate, led by Senators Jeff Sessions (R-AL) and Richard Durbin (D-IL), were able to put partisan politics aside and secure unanimous approval of legislation to address the unjust crack-powder disparity. Upon passage of S. 1789, Senator Sessions, Ranking Member of the Senate Judiciary Committee, stated, “[t]his

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compromise achieves important fairness in drug sentencing while striking a responsible balance between efforts to reduce penalty thresholds and the need to combat the higher level of violence associated with the trafficking and distribution of crack.” His endorsement was echoed by numerous law enforcement organizations, including the National District Attorneys Association, the National Association of Police Organizations, the International Union of Police Associations, and the Federal Law Enforcement Officers Association. They all now call upon the House to pass this legislation as well, joined by the National Association of Evangelicals, Prison Fellowship, and a large number of civil rights, sentencing policy, criminal justice and legal organizations.

The ABA strongly urges you to make this reform a reality by voting for S. 1789 when it is considered on the House floor. We hope a unanimous House will join the unanimous Senate in enactment of this long-needed reform, one that will strengthen our mutual commitment to continuously seek fairness and justice in our legal system.

Sincerely,



Thomas M. Susman