



National District Attorneys Association
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March 23, 2010

The Honorable Richard Durbin
309 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

On behalf of the National District Attorneys Association, the oldest and largest organization representing the interests of America's state and local prosecutors, we'd like to offer our full support for the Senate-passed version of S. 1789, The Fair Sentencing Act of 2009.

As originally introduced, the Fair Sentencing Act of 2009 would establish the same mandatory minimum sentencing for crack cocaine and powdered cocaine, mandating a 5-year mandatory minimum for 500 grams for both crack or powder cocaine – a 1:1 sentencing ratio. While NDAA agrees that some adjustment is warranted to the current 100:1 ratio, we felt the proposed 1:1 realignment of Federal penalties for crack versus powder cocaine in the Fair Sentencing Act of 2009 lacks empirical or clinical evidence to do so. NDAA believes a random adjustment would have severe negative consequences on the efforts of our nation's prosecutors to remove the destructive effects of crack and the violence associated with the drug from our communities.

The Senate-passed version of the Fair Sentencing Act of 2009 would establish a 5-year mandatory minimum sentence for possession of 28 grams of crack and a 10-year mandatory minimum sentence for 280 grams of crack, which reduces the current sentencing disparity between crack and powdered cocaine from 100:1 to roughly 18:1, which NDAA feels is appropriate given the increased likelihood of violence associated with smoked crack cocaine as compared to the intranasal use of powdered cocaine. The Senate-passed version of the Fair Sentencing Act also mandates that the Sentencing Commission significantly increase sentencing enhancements, targeting those individuals who use crack as a weapon in America's neighborhoods.

The National District Attorneys Association applauds the hard work done by you and your Senate colleagues to pass S. 1789, The Fair Sentencing Act of 2009. Thank you for all that you do for America's state and local prosecutors.

Respectfully,

A handwritten signature in blue ink that reads "Christopher D. Chiles".

Christopher Chiles
President