

Dennis W. Archer  
President

AMERICAN BAR ASSOCIATION

750 North Lake Shore Drive  
Chicago, Illinois 60611  
(312) 988-5109  
FAX: (312) 988-5100  
E-mail: [abapresident@abanet.org](mailto:abapresident@abanet.org)

December 19, 2003

The Honorable Arlen Specter  
Chairman, Subcommittee on Labor,  
Health and Human Services, and Education  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Tom Harkin  
Ranking Member, Subcommittee on Labor,  
Health and Human Services, and Education  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Dear Chairman Specter and Senator Harkin:

We have just become aware that the Omnibus Appropriations Act of 2004 does not include fiscal year 2004 funding for the Thurgood Marshall Legal Educational Opportunity Program (THURGOOD MARSHALL FELLOWSHIPS). The American Bar Association (ABA) has strongly supported this important initiative to expand opportunities for minority and low-income students to enter law school and increase diversity in the legal profession. As you know, Congress has provided funding for the past three fiscal years through the Council on Legal Education Opportunity (CLEO) to provide fellowships for students and to support a variety of pre-law programs that prepare eligible students for successful law school matriculation.

It is our belief that the failure to include funding in the omnibus bill was an oversight that should be corrected before Congress takes final action on H.R. 2673, or can be remedied in a supplemental appropriations bill early in calendar year 2004. Terminating funding for the Thurgood Marshall Legal Education Opportunity Program would have a devastating effect on those 652 students who receive financial assistance from CLEO in order to attend law school, especially those 568 in their first and second years of law school study. Terminating funding for the program would not only break the continuity of services, but would also interrupt the "pipeline" that is being developed to increase minority law school enrollments and the presence of low-income and minority students in the legal profession.

But as important as this program is to these 652 students and those we hope will follow them, it is even more crucial to the future of our nation. Studies have documented, and the Supreme Court of the United States has recognized, the fundamental and enormous interest of our nation in having a diverse legal profession. This interest that will only be stronger as time passes and the demographics of our nation continue to reflect an ever-growing presence and influence of diverse peoples who need to

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understand that our courts and legal system recognize and embrace the legal and constitutional needs of everyone.

As the first African American to serve as President of the ABA, I know firsthand of the challenges minorities face in gaining access to law school, financing law school study, and climbing the ladders of success in major law firms and in law practice generally. CLEO's administration of the Thurgood Marshall Program has already demonstrated the wisdom of Congress' decision to restructure the program in the Higher Education Amendments of 1998 and to restore Federal funding in FY 2001. CLEO's evaluations indicate that the program is making real progress in increasing minority law school admissions, improving retention and the academic success of Marshall/CLEO Fellows who gain admission to ABA-accredited law schools, and significantly enhancing the bar passage rates of these students.

Since former ABA President Bill Paul first urged congressional support for the restoration of federal funding for the Thurgood Marshall Legal Educational Opportunity Program in April 2000, and the ABA launched the ABA's Legal Education Opportunity Scholarship Fund, we have been engaged in a collaborative effort to provide financial support for qualified minorities who enroll in ABA-approved law schools. I hope Congress will find a way to continue this partnership.

I urge you, in the strongest possible terms, to revisit this matter with a view toward providing the \$5 million amount originally included in the House-passed bill (H.R. 2660).

Thanking you in advance for your consideration of this request, I remain

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Dennis W. Archer".

Dennis W. Archer

