



**RESOLUTION SUPPORTING H.R. 460 -
THE CRACK-COCAINE EQUITABLE SENTENCING ACT OF 2007**

WHEREAS the Coalition of Bar Associations of Color (CBAC), organized in 1993, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

WHEREAS the member organizations of the Coalition of Bar Associations of Color are the Hispanic National Bar Association (HNBA), National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

WHEREAS, on January 12, 2007, the Honorable Charles Rangel, Congressman from New York's 15th District, introduced H.R. 460, the Crack-Cocaine Equitable Sentencing Act of 2007 (the Act) as an effort to eliminate certain mandatory minimum penalties relating to crack cocaine offenses which keep defendants convicted of trafficking crack in jail far longer than those convicted for powdered cocaine;

WHEREAS, mandatory minimum sentencing contributes to the vast disparity in the rates at which African Americans and whites are sentenced to prison for drug offenses;

WHEREAS, mandatory minimum sentencing has too frequently dictated sentences for minorities which are arbitrary, too harsh, and disproportionate to the offense committed;

WHEREAS, mandatory minimum sentencing has clogged jails and often punished low-level offenders while failing to address the increase in drug trafficking it was intended to curtail;

WHEREAS, prosecutors have frequently used these laws to unfairly tailor charges and press defendants into plea bargains, thereby shifting to prosecutors the discretion which our system of justice dictates should rest with judges;

WHEREAS, members of the judiciary, including U.S. Supreme Court Justice Anthony M. Kennedy, have long been critical of a system of justice which disproportionately imprisons racial minorities; and

WHEREAS, the Act would amend the Controlled Substances Act and the Controlled Substances Import and Export Act to treat crack and other forms of cocaine the same for trafficking penalties, treat the possession of crack the same as the possession of other forms of cocaine, treat the importation of crack the same as the importation of other forms of cocaine, and direct the United States Sentencing Commission to promulgate amendments to the Sentencing Guidelines to conform to the amendments in the Act.

NOW THEREFORE BE IT RESOLVED that the Coalition of Bar Associations of Color supports the passage of H.R. 460 and any companion bill subsequently introduced in the Senate which achieves the same purpose.

BE IT FURTHER RESOLVED that the Coalition of Bar Associations of Color recommends that its membership support and urge their representatives in Congress to vote in favor of this legislation.

CERTIFICATION

WE, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), National Asian Pacific American Bar Association (NAPABA), National Bar Association (NBA), and National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly-noticed meeting of the Board of Directors.



NNABA

President, Hispanic National Bar Association

Date

President, National Bar Association

Date

President, National Native American Bar Association

Date

President, National Asian Pacific American Bar Association

Date