Statement of Support to Prevent and Respond to Hazing Incidents in the Armed Forces

Endorsed August 2015

WHEREAS, the National Asian Pacific American Bar Association (NAPABA) is the national association of Asian Pacific American attorneys, judges, law professors, and law students, representing the interests of over 40,000 attorneys and approximately 70 state and local Asian Pacific American bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, and lawyers serving at all levels of government; and NAPABA is committed to addressing civil rights issues confronting Asian Pacific American communities and people of color;

WHEREAS, every human being is born with equal human rights, including the right to live free from oppression, discrimination, and harassment in all public institutions;

WHEREAS, Americans of color, including Asian Pacific Americans, have a long history of dedicated service in the U.S. Armed Forces, from the War of 1812, to the American Civil War, to World War II, leading to the present;

WHEREAS, the hazing-related deaths of service members like Army Private Danny Chen and Marine Lance Corporal Harry Lew in 2011 have reminded Asian Pacific Americans and the civil rights community that the personal dignity of all individuals serving in the Armed Forces must be respected, and that every service member has the right to live free from coercive abuse from colleagues and superiors;

WHEREAS, the term “hazing” should include any conduct in which a member of the Armed Forces causes another member to endure activities that are cruel, abusive, humiliating, oppressive, demeaning, or harmful, either physically, psychologically, or spiritually;

WHEREAS, the U.S. military must distinguish between acceptable “corrective training” of service members who fail to perform their duties and unjustified oppression that constitutes hazing as defined above;

WHEREAS, the dangerous practice of hazing threatens the social cohesion and mental health of military units where it takes place, reducing the safety and preparedness of service members; and

WHEREAS, in a nation that contains citizens of increasingly diverse racial backgrounds, cultures, and lifestyles, military leadership must take measures to ensure that no service members are subjected to discrimination or abuse on the basis of their unique backgrounds.
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THEREFORE BE IT RESOLVED, that NAPABA:

1. Calls for the Secretary of Defense to assess and develop a uniform definition of hazing for inclusion in the Uniform Code of Military Justice that applies to members of the Armed Forces. The definition should cover any situation in which a service member suffers any cruel, abusive, humiliating, oppressive, demeaning, or harmful conduct or the deprivation of any right by another service member.

2. Calls for the Secretary of Defense to develop and implement a comprehensive policy to prevent and respond to instances of hazing involving members of the Armed Forces. Elements of such a policy should include, but are not limited to: protection for the victims and whistleblowers of harassment and abuse, an effective record-keeping system on reports of harassment and abuse, strong accountability up and down the chain of command, stiffer punishment for failure to report harassment and abuse, and training and inclusion practices to promote more diversity within leadership positions.

3. Calls for military prosecutors and judges to adequately punish the perpetrators of hazing in order to bring justice to the victims of this practice and discourage similar incidents from happening in the future.

4. Supports legislation that mandates or facilitates the aforementioned measures.

5. Authorizes its president, board, and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary.

6. Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.