Statement Supporting Redistricting Based on Whole Population

Endorsed January 2016

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 50,000 attorneys and approximately 75 national, 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, in the current term the U.S. Supreme Court is considering Evenwel v. Abbott, which calls into question whether a state may redistrict based on total population versus a “voter” metric, such as citizen voting age, registered voters, or actual voters;

WHEREAS, the use of total population for purposes of redistricting is a fair and constitutional method to meet the "one person, one vote" standard under the Equal Protection Clause of the 14th Amendment to the U.S. Constitution;

WHEREAS, our nation’s representative government means our elected leaders represent all persons in their districts and not just those who vote because these elected officials make crucial decisions about funding for resources like roads and schools that every person in the community depends on and benefits from, including children, immigrants, and other non-voters;

WHEREAS, the adoption of another metric, as the challengers in Evenwel promote, would disproportionately dilute the political power of language minorities, communities of color, immigrant communities, and other minority groups, including the Asian Pacific American population;

WHEREAS, the Evenwel plaintiffs seek to literally discount numerous groups of residents for redistricting purposes, including children and immigrants, returning to the gross inequities that existed prior to Wesberry v. Sanders, 376 U.S. 1 (1964), and Reynolds v. Sims, 377 U.S. 533 (1964), that established the “one person, one vote” principle;

THEREFORE BE IT RESOLVED, that NAPABA:

1. Opposes efforts to limit the metric to a standard other than total population for the purposes of redistricting;

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

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 Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.