Proposed Statement of Support for an Independent Judiciary

Endorsed January 2018

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 over 80 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, our system of constitutional democracy relies on a judicial branch that is independent from the legislative and executive branches. Judges are only able to protect the rights of citizens outlined in the Constitution when they are free to make decisions according to the law, without regard to political or public pressure;

WHEREAS, an independent judiciary is essential to preserving a healthy separation of powers;

WHEREAS, the idea of an independent judiciary is embedded in Article III of the Constitution;¹ and

WHEREAS, the purpose of an independent judicial branch is to enable judges to render impartial justice—to decide cases according to the law as they conceive it to be written, without fear of reprisal—and thereby safeguard individual and collective rights.²

THEREFORE, BE IT RESOLVED that NAPABA:

1. Fully supports the existence of a fair, impartial, and independent judiciary as embedded in Article III of the Constitution.

2. Denounces efforts to undermine the rule of law and our judicial system including but not limited to accusing judges of diverse backgrounds of unfair bias on the basis of their race, ethnicity, national origin, or religion.

3. 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,

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¹ U.S. Const. art. III, § § 1-2
² Alexander Hamilton, The Federalist No. 78.
the press, and others to take steps to implement this resolution, as they deem necessary.

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 Supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.