WHEREAS, the National Asian Pacific American Bar Association (NAPABA) is the national association of Asian American and Pacific Islander (AAPI) attorneys, judges, law professors and law students, representing the interests of over 60,000 attorneys and about 90 national, state, and local AAPI bar associations; NAPABA members include solo practitioners, large firm lawyers, corporate counsel, legal service and non-profit attorneys, law students, law professors, and lawyers serving at all levels of the government and military; and NAPABA is committed to addressing civil rights issues confronting AAPI communities and people of color;

WHEREAS, NAPABA is the national voice for the AAPI legal profession; promotes justice, equity, and opportunity for AAPI individuals and communities; and fosters professional development, legal scholarship, advocacy, and community involvement;

WHEREAS, NAPABA—since its inception—has acted to advance civil rights and the fair and equal application of law in the United States;

WHEREAS, NAPABA is committed to combating discrimination in all forms;

WHEREAS, caste is a socially enforced hierarchies of intersectional identities, a system of inherited economic, social, religious, and cultural privilege determining one’s social status, access to resources, purity, and treatment in society;

WHEREAS, caste has been defined by federal courts as a "system that assigned value and rights to individuals based on the families they were born into.” See Martinez v Dart Trans, Inc., 547 F. Supp. 3d 1140, 1152 n.7 (D.N.M. 2021);

WHEREAS, a defining feature of caste systems is the way they legitimize discrimination on the basis of these intersectional identities as a sui generis category;

WHEREAS, caste systems exist globally in South Asia, East Asia, West Africa, South America;
WHEREAS, caste identification and discrimination is not limited to one particular religion or ethnic group;

WHEREAS, caste discrimination occurs in the United States, where individuals are denied opportunities, discriminated against, subject to unfair labor and immigration practices, or trafficking;

WHEREAS, current federal and state laws do not recognize caste as a protected class;

WHEREAS, there is a need for a uniform interpretation in the courts around caste-based discrimination to create consistent and predictable results for parties;

THEREFORE, BE IT RESOLVED, THAT NAPABA:

1. Opposes discrimination on the basis of caste;

2. Urges Congress and state, tribal, and territorial legislatures to adopt or amend laws, regulations, and policies to prohibit discrimination on the basis of caste;

3. Urges the U.S. Equal Employment Opportunity Commission, the Department of Justice, and other federal, state, tribal, and territorial agencies to adopt regulations and guidelines that expressly enumerate caste as a basis on which discrimination is prohibited;

4. Encourages lawyers, bar associations and judges to actively engage in civic education to recognize, prevent, and address caste-based discrimination;

5. Urges universities, colleges, schools, and other places of learning to adopt policies and practices that prevent discrimination against faculty, staff, and students on the basis of caste;

6. 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; and

7. Supports this resolution as a policy position until it is withdrawn or modified by subsequent resolution.