



National Asian Pacific American Bar Association

Statement of Support of Enforcement Against Racial Profiling

Endorsed March 2014

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 nearly 70 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, racial and religious profiling is a pervasive practice that profoundly affects Asian Pacific American and other communities of color across the country;

WHEREAS, the practice of racial profiling contributes to a culture that breeds hate crimes against Asian Pacific Americans, such as the massacre of Sikhs practicing their faith at the gurdwara in Oak Creek, Wisconsin in 2012;

WHEREAS, racial and religious minorities are disproportionately targeted by traffic stops and “stops and frisks” often implemented as pretext for determining criminal activity;

WHEREAS, Immigration and Customs Enforcement programs such as 287(g), Secure Communities, and the Criminal Alien Program that deputize state and local law enforcement agencies to enforce civil immigration laws—the domain of the federal government— and state measures such as Arizona’s S.B. 1070¹ lack meaningful safeguards against racial profiling and have been used to disproportionately target U.S. citizens and lawful residents from racial and religious minority groups;

WHEREAS, since September 11th, programs and policies continue to perpetuate sweeping and aggressive discrimination against members of Muslim, Arab, and South Asian American communities;

WHEREAS, the practice of racial profiling is an ineffective law enforcement practice that focuses on factors unrelated to criminal activity rather than on specific indicators of criminal behavior;

¹ See NAPABA Statement of Opposition Against Arizona S.B. 1070 (Endorsed April 2012). The U.S. Supreme Court has upheld a provision of S.B. 1070 that requires police to determine the immigration status of someone arrested or detained when there is “reasonable suspicion” they are not legally in the United States. *Arizona v. United States*, 567 U.S. ____ (2012).

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WHEREAS, the practice of racial profiling diverts valuable law enforcement resources from the task of pursuing specific and actual threats to public safety;

WHEREAS, the practice of racial profiling further undermines public safety by creating fear and mistrust of law enforcement among community members who are vital to effective community policing; and

WHEREAS, the practice of racial profiling violates constitutional guarantees of freedom against unreasonable searches and seizures, the right to due process, and the right to equal protection.

THEREFORE BE IT RESOLVED, that NAPABA:

1. Supports the passage of the End Racial Profiling Act (ERPA), similar legislative measures, and Administrative efforts to curb racial profiling. Specifically, ERPA would curtail this unlawful, discriminatory, and ineffective practice by:
 - Prohibiting the use of profiling based on race, religion, ethnicity, or national origin;
 - Instituting training programs and data collection and monitoring mechanisms at the local, state, and federal law enforcement levels; and
 - Creating a private right of action for victims of racial profiling, among other requirements;
2. Supports efforts to curtail programs and laws that deputize state and local law enforcement agencies to enforce federal immigration laws;
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, 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.