

**STATEMENT OF YANG CHEN
EXECUTIVE DIRECTOR
ASIAN AMERICAN BAR ASSOCIATION OF NEW YORK
TO THE
NEW YORK CITY COUNCIL DISTRICTING COMMISSION**

August 16, 2012
Public Hearing
New York Law School
185 West Broadway
New York, New York

Good evening, my name is Yang Chen. I am the executive director of the Asian American Bar Association of New York ("AABANY"), a professional membership organization of attorneys concerned with issues affecting the Asian Pacific American (APA) community.

AABANY is part of ACCORD, the Asian American Community Coalition for Redistricting and Democracy.

AABANY urges the establishment of districts that reflect and do not divide contiguous communities that in Manhattan represent large populations of APA voters

GROWTH IN THE APA POPULATION IN MANHATTAN

The 2010 census revealed that APAs make up more than 11% of the population in Manhattan, a borough that grew overall by 3.2% since 2000. The growth among APAs, however, showed an increase of 24%, eight times greater than the overall Manhattan population.

In New York City, APAs now number over a million, representing nearly 13% of the population. APAs are the fastest growing racial minority in New York City.

The drawing of district lines to accurately reflect the reality of Manhattan communities is not just good policy and good government, but good law:

ACCORD OBJECTIVES IN CONCORD WITH FEDERAL LAW

The Voting Rights Act of 1965 mandates that district lines be created that protect minority voting rights and political representation. To that end, they must fairly reflect minority voting strength. While race cannot be the only factor due to the Equal Protection Clause of the Constitution, it is clear that race can and should be one of the many factors considered (*Shaw v. Reno* (1993)).

We are asking this commission to recognize as required by *Bush v. Vera* (1996) that there are communities of interest that share common interests in Manhattan that are not reflected in the existing district divisions. Chinatown and the Lower East Side represent neighborhoods that may not be fairly represented. While not specifically defined by the

Court, it is clear that similarities in socio-economic background, shared common goals, contiguous geography, and common lifestyles are factors that define such communities. The commission should look to AALDEF's Asian American Neighborhood Maps and the Asian American Communities of Interest Survey as resources in this endeavor.

CONCLUSION

AABANY urges this commission to enfranchise thousands of APA citizens to be active participants in the political process. APAs make up a growing community that is politically maturing and this is a tremendous opportunity for this commission to reflect the reality of the demographics of this borough, and to give voice to a community that enhances and enriches Manhattan.

March 12, 2003

Joseph Rich
Acting Chief, Voting Section
Civil Rights Division, Room 7254 - NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

RE: Comments Under Section 5 of the Voting Rights Act
Regarding the New York City Council Redistricting Plan 2003

Dear Mr. Rich:

The Asian American Bar Association of New York (AABANY) is a professional membership organization of Asian/Pacific American attorneys concerned with issues affecting the Asian Pacific community. Incorporated in 1989, AABANY seeks not only to encourage the professional growth of its members but also to advocate for the Asian American community.

In 1991, AABANY participated in the drawing of new city council districts to ensure the meaningful representation of Asian Americans. Herein, AABANY comments on the New York City Districting Commission's recently adopted City Council redistricting plan, pursuant to Section 5 of the Voting Rights Act. We believe the drawing of these new city council districts in Lower Manhattan will have a retrogressive effect on the voting strength of Asian Americans.

According to Census 2000, the Asian American population in New York City has increased 71% over the past decade. Numbering 872,777, Asian Americans now make up over 10% of the City's population. There are 156,710 Asian Americans in Manhattan alone. Nevertheless, only one Asian American has been elected to the City Council. That person is from Flushing, Queens. While Chinatown, Manhattan has the City's largest concentration of Asian American registered voters, voters there have never been represented by a candidate of their choice.

In 1991, AABANY and several community groups advocated for the drawing of Chinatown and the Lower East Side into the same city council district. We found there were similar interests, concerns, and economic profiles between the two neighborhoods. That Districting Commission rejected our proposal and combined Chinatown with Battery Park City, TriBeCa, the Financial District, and Soho. Although the Commission's stated intent was to create an "Asian district," in the past ten years since then, an Asian American has never been elected from District 1.

In this redistricting, Asian American community leaders again urged the Districting Commission to draw districts that would give Asian Americans meaningful representation in the City Council. Pursuant to the City Charter, they insisted the Commission keep Asian American neighborhoods whole, and keep those neighborhoods in districts with other neighborhoods that share common interests and concerns. The Lower Manhattan Districting Coalition, a coalition of community groups, specifically advocated Chinatown and the Lower East Side be drawn together into the same district, District 2.

The Commission, however, ignored these calls from the community. It adopted a plan that leaves District 1 mostly unchanged. Chinatown is included with the predominantly white and higher income neighborhoods of Battery Park City, TriBeCa, the Financial District, and Soho.

As a result, this plan configures a district that continues to dilute Asian American voting strength. Although the District 1 plan keeps Chinatown whole and residents are increasingly registered to vote, Asian Americans still cannot exert any real influence over the elections in District 1. Election returns have found that Asian American voters in Chinatown are politically cohesive. Nevertheless, Asian American candidates historically and repeatedly lose to white candidates from Battery Park City, TriBeCa, and Soho. Because Chinatown has again been included in District 1, we expect no change in this election pattern. Furthermore, the plan moves a large organized bloc of white voters in the Lower East Side's Grand Street Co-Ops into District 1, which will additionally weaken Asian American voting strength.

As drawn, the District 1 plan fails to reflect a community of common interest. Chinatown shares little in common with Battery Park City, TriBeCa, the Financial District, and Soho. There are stark differences in the race/ethnicity, income, language, and needs of the residents. While residents in Chinatown are predominately immigrants, working class, and home renters, in contrast, residents in Battery Park City, TriBeCa, the Financial District, and Soho are mostly white, economically affluent, and home owners, residing in condominiums and cooperative apartments.

Chinatown should be drawn into District 2 as it shares many more commonalities with the Lower East Side. Residents in both of these neighborhoods are predominately immigrants and working class. They share similar concerns in housing, gentrification/displacement, landlord accountability, worker exploitation, and share similar needs in health care services and bilingual education. By drawing Chinatown into the affluence of District 1, the Commission's plan retrogresses the ability of Asian Americans to elect candidates who can represent these specific types of interests, needs, and concerns.

Asian Americans have been disenfranchised both in the redrawing of district boundaries and of their right to vote. The drawing of city council districts historically and repeatedly fragments populations of Asian American concentration and divides them into multiple districts. For example, in 1982 the State Assembly redistricting plan split Chinatown between two districts. The recently adopted congressional redistricting plan sustains this fragmentation as it gerrymanders a few thousand residents in the center of Chinatown and places them into a district based in the Upper East Side. In Flushing as well, the recently adopted State Senate redistricting plan splits the most concentrated area of Asian Americans and spreads them into multiple districts.

Disenfranchised, many Asian Americans in New York City have also been deprived of their right to vote. In 2001 and 2002, AABANY collaborated with the Asian American Legal Defense and Education Fund to monitor elections for compliance with the Language Assistance Provisions (Section 203) of the Voting Rights Act. Our volunteer attorneys found that Chinese language ballot translations were difficult to read or incorrect; some translated voting materials were

missing, unavailable, or even hidden from voters; and poll workers prevented interpreters from assisting Chinese speaking voters.

In New York, Asian Americans have historically and repeatedly encountered numerous barriers to the vote. Their voting strength has been diluted. In this city council redistricting, there should be no further retrogression of Asian American voting strength.

For the aforementioned reasons, we urge the Attorney General to deny preclearance and order the Districting Commission to redraw the city council district boundaries in Lower Manhattan.

Sincerely,

Christopher Chan

For the AABANY Board of Directors