



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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STATEMENT OF MARGARET FUNG
EXECUTIVE DIRECTOR
ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
TO THE NEW YORK CITY DISTRICTING COMMISSION

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

Good evening. My name is Margaret Fung, and I am executive director of the Asian American Legal Defense and Education Fund. AALDEF is a 38-year-old New York-based national organization that protects and promotes the civil rights of Asian Americans through litigation, advocacy, community education, and organizing.

Voting rights has been a priority for AALDEF for more than three decades. We submitted testimony and proposed maps in 1991 when the New York City Council was expanded from 35 to 51 seats, and testified again in the 2002 redistricting cycle. AALDEF was instrumental in the passage of the federal Voting Rights Language Assistance Act of 1992, which resulted in the provision of Asian-language ballots and voting assistance for the first time in New York City. We have monitored elections for 20 years to ascertain whether the City's Chinese- and Korean-Language Assistance Program is in compliance with the Voting Rights Act. Language assistance in Bengali will be provided to South Asian voters in Queens County for the first time in 2012. We have documented Asian American voting patterns by conducting multilingual exit polls of Asian American voters, surveying almost 17,000 Asian American voters in the 2008 Presidential Election. This year, in coalition with LatinoJustice PRLDEF, National Institute for Latino Policy, and the Center for Law and Social Justice-Medgar Evers College, we developed a Unity Map for New York congressional, state senate and state assembly districts.

The Asian American Population in New York City

Asian Americans are the fastest growing racial minority group in New York City. The Asian American population in New York City has increased 32% over the past decade and now constitutes 13% of the city's population, numbering 1,028,119¹. Seven out of ten Asian New Yorkers reside in three boroughs: Queens, Brooklyn and Manhattan.

CENSUS 2010	Total Population	Asian Population	Asian Percent of Total	Total Growth Since 2000	Asian Growth Since 2000
New York State	19,378,102	1,406,194	7.3%	2.1%	35.7%
New York City	8,175,133	1,028,119	12.6%	2.1%	31.8%
- Queens	2,230,722	508,334	22.8%	0.1 %	30.6%
- Manhattan	1,585,873	177,624	11.2%	3.2%	24.0%
- Brooklyn	2,504,700	260,129	10.4%	1.6%	41.2%

* Only includes those who checked "Asian" and no other race².

¹ U.S. Census Bureau, 2010 and 2000 Census.

² The "Not Hispanic Asian alone" number should be taken as the minimum number of Asian Americans. In the 2000 and 2010 censuses, respondents were allowed to mark more than one race, resulting in the category "alone or in combination," which includes people who reported a single race alone (e.g., Asian) and people who reported that race in combination with one or more of the other race groups (i.e., White, Black or African American, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, and Some Other Race). In addition, race and ethnicity are considered separate and distinct identities, with a separate question on Hispanic or Latino origin. This means that all respondents are also categorized as "Hispanic or Latino" and "Not Hispanic or Latino." A more accurate and inclusive estimate of Asian (cont.)

Asian American populations have increased faster than the overall growth rate of the boroughs in which they reside. In Queens, the Asian American population has grown over 300 times faster than the overall rate of the borough, over 25 times faster than Brooklyn's growth, and over 7 times faster than Manhattan's growth.

Asian American Political Representation

New York City has the largest Asian American population of any municipality in the nation. Yet, only one Asian American has been elected to the City Council from Manhattan, two from Queens, and none from Brooklyn. Despite rapid population growth, high naturalization rates, and steadily rising numbers of registered voters, the Asian American community's political representation has not increased at an equivalent pace.

District 1 in Lower Manhattan was created in 1991 as a 43% Asian plurality district, linking low-income Chinatown residents with affluent residents of Battery Park City, Tribeca, Soho, and the Financial District. It was expected that a Chinese American City Councilmember would be elected in 1991, but that did not occur until 2009. Now, this district is 45% white, and the Asian American population has dropped to 36%.

Two decades ago, District 2 in Lower Manhattan was created as a Latino opportunity district. Now, 57% of the district's residents are white; only 22% of the district residents are Latino, and 11% are Asian American.

In light of these population shifts in Lower Manhattan, we ask the Commission to consider alternatives to Districts 1 and 2 that will maintain fair representation for Asian Americans and Latinos and recognize Chinatown and the Lower East Side as a community of interest, which is one of the last affordable immigrant neighborhoods in Manhattan. These Asian and Latino residents have common socioeconomic backgrounds and limited proficiency in English, share common educational concerns, and face substantial development pressures as tenants in rent-regulated units or public housing. The multiracial Coalition to Protect Chinatown and the Lower East Side, which developed a community-based rezoning plan to curtail the displacement of low-income residents and small businesses, is just one example of the collaborations that have emerged in this working class neighborhood.

In *Diaz v. Silver*, 978 F. Supp. 96 (E.D.N.Y.) (*per curiam*), *aff'd*, 522 U.S. 801 (1997), a three-judge court recognized that Asian Americans in Manhattan's Chinatown and Brooklyn's Sunset Park were a community of interest that should be kept together within the 12th Congressional District. AALDEF represented Asian American voters as defendant-intervenors in that lawsuit. The court articulated several factors that could establish a community of common interest:

- Cultural background
- Economic status
- Common media markets
- Shared community services and organizations, including health clinics, stores, public transportation and workplaces.
- Voting patterns
- Common languages and dialects
- Common country of origin

In addition to Lower Manhattan, we urge this Commission to take a close look at several neighborhoods in Queens and Brooklyn to ensure that Asian American communities are kept together in the same districts.

(cont. from p. 1) Americans would be to aggregate both the Hispanic and Not Hispanic Asian alone or in combination populations. Accordingly, the total Asian American population citywide is actually 1,134,919, or 13.9% of the total New York City population.

To assist the Commission in this process, AALDEF has already submitted two documents. The first, *Asian American Neighborhood Maps*, includes detailed maps of 15 Asian American neighborhoods in New York City, as defined by community groups and residents who live and work in those geographic areas. They include:

Queens: Flushing, Bayside, Elmhurst, Jackson Heights, Woodside, Floral Park-Queens Village-Bellerose-Glen Oaks, Richmond Hill-South Ozone Park, Ozone Park, Briarwood, and Jamaica Hills

Brooklyn: Sunset Park and Bensonhurst

Manhattan: Chinatown-Lower East Side

For each of these maps, we have indicated the total population of these community-defined neighborhoods and their racial/ethnic breakdown.

The second document is the *Asian American Communities of Interest Survey*.³ We met with community groups and residents throughout New York City,⁴ especially in neighborhoods experiencing the fastest Asian American population growth. They were asked to draw their neighborhood's street boundaries on a map and describe the most common concerns and issues in their neighborhoods. Among the top concerns cited by the groups we surveyed were the need for Asian language assistance, immigrants' rights, social services, health care, education, affordable housing, and workers' rights. Finally, we asked the groups to identify the surrounding neighborhoods that were most similar and most different to their neighborhood.

Asian Americans are a protected racial minority group under the federal Voting Rights Act. While the United States Supreme Court has held that the consideration of race may not "predominate" in the redistricting process, the court has also held that a paramount districting criterion is to include "communities of interest" in districts⁵.

With our Unity Map partners (LatinoJustice PRLDEF and Center for Law and Social Justice-Medgar Evers College), we plan to submit a 51-council district map that reflects the changing demographics of New York City. We urge the Commission to ensure that Asian Americans have a full and fair opportunity to elect candidates of choice, in accordance with the Voting Rights Act, and to keep communities of interest together in newly-drawn Council districts.

³ AALDEF prepared a similar communities of interest study after the 2000 Census. AALDEF Community Survey Project, *Asian Neighborhoods in New York City: Locating Boundaries and Common Interests*, 2002. See <http://www.aaldef.org/docs/Asian-Neighborhoods-in-NYC-%282002%29.pdf>.

⁴ AALDEF met with the following community groups to determine neighborhood boundaries and communities of interest: Adhikaar; Alliance of South Asian American Labor (ASAAL); Chhaya CDC; Chinese American Voter's Association (CAVA); Chinese Christian Herald Crusades, Inc.; Chinatown Partnership; Chinese Progressive Association (CPA); Chinese Staff and Workers' Association (CSWA); Korean American Voter's Council (KAVC); Minkwon Center for Community Action; National Mobilization Against Sweatshops (NMASS); South Asian Youth Action! (SAYAI); Taking Our Seat; and United Chinese Association of Brooklyn (UCA).

⁵ *Miller v. Johnson*, 515 U.S. 900 (1995).