



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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MEDIA RELEASE

**FOR IMMEDIATE RELEASE
JUNE 13, 2006**

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AALDEF TESTIFIES BEFORE SENATE JUDICIARY COMMITTEE AND SUBMITS VOTING RIGHTS ACT REPORT ILLUSTRATING DECADES OF DISENFRANCHISEMENT OF ASIAN AMERICANS

CALLS ON CONGRESS TO RENEW VOTING RIGHTS ACT LANGUAGE ASSISTANCE AND OTHER KEY PROVISIONS

Washington, DC—Asian American Legal Defense and Education Fund (AALDEF) executive director Margaret Fung will testify before the Senate Judiciary Committee today, **Tuesday, June 13th at 9:30 a.m.**, on the continuing need for voter language assistance under the Voting Rights Act. AALDEF has submitted a comprehensive report to the Committee, in which it finds that voters continue to face pervasive racial discrimination, harassment, and institutional barriers in the electoral process.

Fourteen years after Congress amended the historic Voting Rights Act of 1965 to expand access to the ballot for language minorities, AALDEF—a 32-year-old civil rights organization that presented key evidence for its expansion in 1992—presents a sharply focused study of tens of thousands of voters investigating compliance with Congressional reforms in the face of centuries-old policies of anti-Asian exclusion and ongoing discrimination.

AALDEF's report, entitled "**Asian Americans and the Voting Rights Act: The Case for Reauthorization,**" found that disenfranchisement persists despite and even in violation of reforms required under the Act's temporary provisions. Racially hostile poll workers, voter intimidation, and denial of interpreters and translated materials illegally depress turnout in language minority communities—including Asian Americans. The report is a comprehensive analysis of data from multilingual voter surveys and poll monitoring results that date back to 1988, along with hundreds of pages of primary-source documentation and archival materials for the public record.

"Asian American communities have yet to overcome the extensive history of anti-Asian exclusion and barriers to educational parity in the U.S.," said AALDEF executive director Margaret Fung. "We commend Congress for its bipartisan support of the Voting Rights Act, and request the immediate renewal of language assistance and other voter protections."

The Voting Rights Act, which bans racial discrimination in voting nationwide, was passed by Congress in 1965 to eliminate literacy tests, poll taxes, and other barriers to voting. Several key protections will expire in August 2007 unless Congress takes action to renew them.

These temporary provisions for minority voters include Section 203, which provides language assistance for citizens who are limited English proficient, and Section 5, which requires states and counties with a history of discrimination to secure "preclearance" before they can make voting changes. Another set of provisions, Sections 6 through 9, enables the government to send federal election observers to monitor elections.

Highlights of AALDEF's most recent findings in the report include:



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Language assistance removes barriers for limited English proficient and first-time voters to register and cast informed votes.

- In AALDEF's 2004 voter survey, 41% of nearly 11,000 voters surveyed were limited English proficient (LEP). Among the Asian American communities with the highest rates of limited English proficiency were Koreans (59%), Chinese (52%), and Southeast Asians, including Cambodians, Laotians, and Vietnamese (47%). (Page 7, table 2)
- AALDEF surveys consistently show a positive correlation between voter registration and turnout in LEP communities. In 2005, 68% of first-time voters said they used an interpreter to vote, and 53% of first-time voters said they used translated materials. (Page 11, table 4)
- The effectiveness of language assistance is further evident in the ability of Asian American candidates to win elected office through overwhelming support from the Asian American community. (Page 13)

Noncompliance with language assistance and other barriers have resulted in the disenfranchisement of large numbers of American citizens.

- In New York City during the 2000 Presidential Elections, ballots in at least 6 poll sites in Queens reversed the translated party headings so that Republican candidates were listed as "Democrats," and Democrats as "Republicans." (Page 19)
- In Boston in 2004, election officials reported that poll workers at one site segregated voters and formed 2 separate lines for minority voters and white voters. They claimed that separate but equal lines for those who were limited English proficient would speed up the voting process for others. (Page 19)
- In New York City during the 2004 Presidential Elections, 82 of the 116 poll sites AALDEF monitored fell short of the required number of assigned Chinese and/or Korean interpreters, often creating long lines and confusion for LEP voters in need of language assistance. (Page 19)
- In 2004, large numbers of eligible voters in New York, New Jersey, and Massachusetts reported that poll workers improperly required them to provide identification to vote. (Pages 19-20)
- Other examples of institutional disenfranchisement include incomplete voter rolls, denial of provisional ballots, and poor poll worker training.

The lingering effects of disparate access to education, jobs, healthcare, and other social services further marginalize Asian American communities from the political process.

- A disparate educational system compromises the ability of LEP citizens to participate equally in the electoral process. The "model minority" myth tends to ignore the diversity of languages, cultures, religions, socio-economic status, and political experiences among multiple Asian ethnic groups. (Pages 27-29) In 1975 and in 1982, Congress found that discrimination against language minorities limited the ability of LEP voters to participate effectively in the electoral process, and in 1992 found the discrimination they encountered reiterated the need for language assistance. (Page 17)
- In 2004, the Justice Department reported 217 hate crimes against Asian Americans. In the same year, there were about 200 incidents of religious bias against Muslims, many of whom are of South Asian and Southeast Asian descent. (Page 30) In Hamtramck, Michigan, the Justice Department sued the city for racial profiling of Bangladeshi and Arab voters, interrogations about voters eligibility, and requiring voters to prove their citizenship in the 1999 elections. (Page 32).
- In the political arena, racist tactics are still designed to intimidate Asian American voters. In the 2005 elections in New Jersey, two radio personalities known as the "Jersey Guys" attempted to mask racist voter intimidation under the guise of humor. (Page 31)



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In every election AALDEF has observed since 1988, Asian American voters have reported incidents of racist behavior.

- In 2004 in Queens County, New York, several white voters yelled at Asian Americans, saying “You are all turning this country into a third-world waste dump!” and “You should prepare and learn English at home before you come out to vote!” (Page 21)
- In the 1998 primary elections in Brooklyn, New York, one poll worker outright refused to allow four Chinese American voters who wished to vote after work. Even though the polls were open for at least 45 more minutes, the site coordinator rebuked them for requesting translated materials and reading voting instructions in Chinese, and requested that police prevent them from voting.
- In 2004 in Falls Church, Virginia, a poll worker commented to other poll workers, in the presence of a Pakistani American voter, that he knew about Muslims and said, “If you think certain cultures are weird, you should read about them. They’re really weird.” (Page 22)

Lowering the numeric trigger of Section 203 below 10,000 would expand language assistance to additional language minority groups in more jurisdictions.

- A 7,500 trigger would add Chinese coverage in Sacramento County, California; Cambodian in Los Angeles County; Korean in Cook County, Illinois; and Asian Indian languages in Queens County, New York. (Page 35)
- A 5,000 trigger would cover 8 Asian language groups—the 5 already included under the current trigger (Chinese, Korean, Filipino, Vietnamese, and Japanese)—as well as Cambodian, Asian Indian, and Thai in 21 jurisdictions, up from the 16 jurisdictions covered under the present trigger. (Page 35)

Section 5’s preclearance requirement has ensured that voting changes do not weaken the voting strength of Asian Americans.

- In New York City, Section 5 helped to prevent a voting change from taking effect that would have hindered the ability of Asian American candidates to win community school elections which, prior to 1992, was the only elected office where Asian Americans had succeeded. (Pages 39-40)
- Section 5 has helped to prevent poll site changes planned without notice to the affected community. (Page 40)
- Section 5 has also been used by Asian Americans to comment on redistricting plans. (Page 43)

Under Sections 6 – 9, federal observers have been sent to monitor elections in jurisdictions covered by Section 203. Their presence has provided local elections administrators with the incentive to better comply with Section 203 and remedy deficiencies. (Page 44)

To download a copy of the 47-page report, “Asian Americans and the Voting Rights Act: The Case for Reauthorization,” please visit: <http://www.aaldef.org/docs/AALDEF-VRAREauthorization-2006.pdf>.

For additional AALDEF voting rights resources, including Voting Rights Act fact sheets and related Congressional testimony, please visit: <http://www.aaldef.org/voting.html>.

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The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.