Statement of the
Asian American Legal Defense and Education Fund
Patricia Yan, Esq.
Staff Attorney, Democracy Program

Before the
Texas House of Representatives Redistricting Committee

Interim Field Hearing to Solicit Public Input on the 2021 Legislative Redistricting Process

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Introduction

The Asian American Legal Defense and Education Fund (AALDEF) is a 45-year-old national civil rights organization based in New York City that promotes and protects the civil rights of Asian Americans through litigation, legal advocacy, and community education. AALDEF’s Democracy Program focuses on voting rights, the census, and redistricting. During the last round of redistricting, AALDEF actively advocated for fair districting maps in Texas and New York City.\(^1\) AALDEF has been involved in redistricting for over three decades, and has also been monitoring elections through annual multilingual exit poll surveys for Asian American voters since 1988, and in every major election in Texas since 2008. Through this work, AALDEF has partnered with Asian American community-based organizations throughout Texas, including in Austin, to identify Asian American neighborhoods and communities of interest.

AALDEF has previously submitted testimony to the U.S. Congress,\(^2\) testified at hearings, submitted amicus briefs to the U.S. Supreme Court,\(^3\) and released detailed reports regarding Asian American voting experiences and the continued need for the full protections of the Voting Rights Act, including in the redistricting context. AALDEF incorporates by reference the previously submitted documents.

AALDEF submits this testimony to urge the Texas Legislature to keep Austin’s Asian American communities of interest whole during the 2021 legislative redistricting process, so that these communities may have a fair and equal opportunity to fully and effectively participate in the electoral process, and elect candidates of their choice. AALDEF respectfully requests that this testimony be entered into the record.

The Asian American Community of Interest in Austin

Asian Americans have become the fastest growing racial group in the United States. While the total U.S. population grew by around 10 percent between 2000 and 2010, the Asian American population increased by 46 percent during that same period.\(^4\) The Asian American community’s

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\(^1\) In New York City, AALDEF jointly proposed a “Unity Map” with other racial justice groups that would more fairly represent communities of color. To develop this map, AALDEF, along with the Center for Law and Social Justice at Medgar Evers College, LatinoJustice PRLDEF, and the National Institute for Latino Policy, surveyed its community members to determine the boundaries of their neighborhoods, in order to create a fair and comprehensive redistricting map. See ASIAN AMERICAN LEGAL DEFENSE & EDUCATION FUND, Unity Map, https://www.aaldef.org/unity-map/ (last visited Sept. 9, 2019). In advance of the upcoming redistricting cycle, AALDEF plans to work with community groups in Texas, including in Austin, to conduct a similar analysis of our community’s neighborhood boundaries.


\(^4\) U.S. CENSUS BUREAU, The Asian Population: 2010, at 1, 3 (2012), available at https://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf. These figures include people who reported themselves as belonging to only one Asian group, as well as members of the Asian American community’s rapidly
growth has been especially notable in the State of Texas. From 2000 to 2010, the Asian American population in Texas grew by 72 percent, making Texas the state that experienced the second largest numeric growth of its Asian American community (behind only California), increasing from a population of 644,000 in 2000 to 1.1 million in 2010. This demographic trend also holds for the City of Austin. According to the City of Austin’s official website, the Asian American share of the population in Austin has been “skyrocketing” in recent years, “leaping from 3.3% in 1990 to almost 5% by 2000,” and has recently reached at least 6.5%. Indeed, “[w]hile the general population of Austin doubles every 20 to 25 years, the number of Asians in Austin is doubling every ten years.

AALDEF and other community-based organizations, such as Austin’s Asian Pacific Islander American Public Affairs (APAPA) Association, can attest that there is a growing Asian American community of interest in Austin, and this community should not be divided in the redistricting process, at any legislative level. In Miller v. Johnson, the Supreme Court set out key traditional districting principles, including respect for “communities defined by actual shared interests.” Keeping these communities of interest together is not only intuitively appealing, but also a common consideration in redistricting processes throughout the United States.

AALDEF and the Asian American community in Austin will fight to ensure that this community of interest is not unfairly—and possibly unlawfully—divided into multiple different districts. All eligible Texas voters should have the ability to fully participate in the electoral process, including groups that are often politically marginalized, such as Asian Americans, new citizens, immigrants, and limited English proficient (LEP) residents. Just like other communities, Austin’s Asian American communities of interest should have a reasonable opportunity to elect a candidate of their choice.

Texas Redistricting Legal Challenges

For years, Texas has faced frequent legal challenges to its redistricting plans. For too long, communities of interest across the State of Texas, including Asian American communities, have been divided into multiple legislative districts and thus effectively prevented from being able to elect a candidate of their choice. Only a few years ago, Texas faced a long and protracted legal battle, in which the Department of Justice contended that a Texas redistricting plan would have diluted the voting power of Asian American voters and other people of color.

In this case (which pre-dated the Supreme Court’s effective evisceration of the preclearance requirement of Section 5 of the Voting Rights Act in its Shelby County decision), the Court considered a Section 5 challenge alleging discriminatory intent and effect of a proposed Texas

growing multiracial population; this population is collectively referred to as “Asian alone or in combination.” From 2000 to 2010, the “Asian alone” population increased by only a slightly lower rate of 43 percent.

5 Id. at 8.
7 Id.
redistricting plan. At the time of this case, Texas State House District 149 had a combined minority citizen voting-age population of around 62 percent. Since 2004, the Asian American community in District 149 has voted as a bloc with Hispanic and African American voters to elect Hubert Vo, a Vietnamese American, as their state representative. Vo’s election was particularly significant for the Asian American community because he was the first Vietnamese American state representative in Texas history.

In 2011, the Texas Legislature sought to eliminate Vo’s State House seat and redistribute this coalition of minority voters to the surrounding three districts. Plan H283, if implemented, would have redistributed the Asian American population in certain State House voting districts, including Vo’s District 149, to districts with larger non-minority populations. Thus, Plan H283 would have hindered the Asian American community’s right to vote in Texas by spreading Asian American populations across multiple different district lines and diluting their voting power.

Following a trial in January of 2012, a three-judge district court in Washington, D.C. denied Section 5 preclearance on August 28, 2012, in a comprehensive and mostly unanimous opinion. The court found that the congressional and state redistricting plan had both a retrogressive effect and a racially discriminatory purpose (though this decision later had to be vacated and remanded for other reasons, in light of the Supreme Court’s decision in Shelby County and its negative implications for all Section 5 preclearance claims).

Despite a rapidly growing population in this state, there are still relatively few Asian American elected officials in Texas. Redistricting plans that dilute or break up Asian American communities of interest will further hinder this community’s ability to elect a candidate of their choice. AALDEF will work to prevent this kind of damaging redistricting from happening again in Texas.

Conclusion

For more than a decade, AALDEF has worked to promote voting rights in the State of Texas. But such voter protection efforts will only be truly effective if they rest on a foundation of fair redistricting. If Austin’s growing Asian American community is divided during this next round of redistricting, this would effectively erase the community’s hard-fought gains.

AALDEF looks forward to working with all communities in Austin, particularly communities of color and other federally protected groups under the Voting Rights Act, to ensure that fair maps are drawn for all community members. As the Asian American community in Austin continues

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14 See Martin Test. at 350:25-352:25. District 149 would have been relocated to a county on the other side of the State, where there are few minority voters. See Plan H283, available at http://gis1.tlc.state.tx.us/download/House/PLANH283.pdf.
to grow, it comes closer to attaining a significant political voice—so long as they are not set back by discriminatory redistricting. This community simply seeks to be treated equally and be given the same opportunities as other communities to elect candidates of their choice.

Austin’s Asian American community of interest should not be divided at any legislative district level. We urge the Texas Legislature to keep communities of interest together, and to ensure that racial minorities have a full and fair opportunity to elect candidates of their choice, as required by the Voting Rights Act. Wherever possible, AALDEF respectfully offers its assistance in this redistricting process. Thank you very much.