

**TESTIMONY BY THE ASIAN AMERICAN INSTITUTE
BEFORE THE ILLINOIS SENATE REDISTRICTING COMMITTEE
DECMEBER 8, 2009**

Submitted By:

Ami D. Gandhi, Esq., Legal Director (ami@aaichicago.org)
Jennifer Chen, Esq., Judge Sandra R. Otaka Legal Fellow (jchen@aaichicago.org)
Asian American Institute
4753 North Broadway Street, Suite 904
Chicago, Illinois 60640

I. INTRODUCTION

Asian American Institute (AAI) appreciates the opportunity to share an Asian American perspective on redistricting. Throughout history, redistricting has been a vehicle to dilute and deny the voting rights of racial minorities, including Asian Americans. AAI commends the Illinois Senate Redistricting Committee for highlighting the issue of redistricting reform. We urge the Committee members to consider carefully whether the proposed reforms will meaningfully protect the voting rights of minority communities, or whether redistricting procedures in Illinois will continue to obstruct minorities' efforts to elect the candidates of their choice.

Established in 1992, AAI is a pan-Asian, non-profit, non-partisan organization located in Chicago, Illinois whose mission is to empower the Asian American community through advocacy, research, education, and coalition-building. AAI partners with affiliate organizations located in Washington, D.C., San Francisco, and Los Angeles, and the organizations collectively have local and national expertise on civil rights issues that affect Asian Americans.

AAI is working in coalition with the Asian American community at large to unite our neighborhoods into single districts and prevent further fragmentation and vote dilution in the redistricting process. We are engaging in legal analysis and advocacy, educating the Asian American community about their legal right to have their votes count, and organizing the community to eventually propose maps. We are uniting together to advocate for Asian

American concerns and to better understand the concerns of other minority communities and reform advocates in Illinois.

II. THE VOTING RIGHTS ACT AND THE ASIAN AMERICAN COMMUNITY IN ILLINOIS

AAI commends the Committee for holding a hearing about the Voting Rights Act and minority communities in Illinois. As background, Section 2 of the federal Voting Rights Act prohibits any voting practice or procedure that results in the denial or abridgement of a person's right to vote based on race, color, or minority language status.¹ Specifically, the Voting Rights Act prohibits laws or practices that deny minority voters an equal opportunity to participate in the political process and to elect candidates of their choice.²

The Asian American community is particularly concerned about having an equal opportunity to participate in the political process *and* the ability to elect representatives of our choice. Since 2000, the Asian American population has grown by nearly a third³, and Asian Americans currently make up nearly 5% of the state's population⁴. In particular counties, such as DuPage County, Asian Americans are nearly 10% of the population.⁵ In particular neighborhoods, such as the Chinatown and Devon Avenue neighborhoods in Chicago, Asian Americans are approximately 30% of the population⁶.

This makes us one of the fastest-growing populations in the state. There is diversity within our community, but Asian Americans share many common concerns, such as the need for linguistically and culturally appropriate social services, as well as the issues of education, affirmative action, immigration, discrimination, hate crimes, and racial profiling.

¹ 42 U.S.C. § 1973; *Thornburg v. Gingles*, 478 U.S. 30 (1986).

² *Id.*

³ U.S. Census Bureau, Census 2000 and 2008 Population Estimates, DP-1 General Demographic Characteristics ("2008 Population Estimate"). In 2000, the number of people in Illinois who were Asian alone or in combination was 473,649. In 2008, this number increased to 617,155, which represents a 30.3% increase. Additional data and citations are available from AAI upon request.

⁴ 2008 Population Estimate. In 2008, the number of people in Illinois who were Asian alone or in combination was 617,155 out of a total population of 12,901,563, which represents 4.8% of the population.

⁵ U.S. Census Bureau, 2006-2008 American Community Survey 3-Year Estimate. The number of people in DuPage county who were Asian alone was 91,034, out of a total population of 927,410, which represents 9.8% of the population.

⁶ U.S. Census Bureau, Census 2000. Additional data and citations are available from AAI upon request.

The political empowerment of our community is a crucial step in having these concerns effectively addressed. When trying to make changes, neighborhood residents often have to go to two and sometimes three legislators, who might not all agree with each other or who do not take Asian Americans seriously because the current district lines dilute the community's vote. Asian Americans have the right to have votes that count.

Even though the Asian American population is now nearly 5% of the state's population, and in some neighborhoods, Asian Americans make up around 30% of the population, an Asian American has still *never* been elected to the Illinois General Assembly or any statewide office. In addition to the problem of the lack of Asian American elected officials, redistricting in Illinois has fragmented Asian American neighborhoods and diluted the community's vote. After the 2000 Census, *five* Illinois Senate districts were over 10% Asian American⁷; yet, after the lines were redrawn in 2001, only *two* Senate districts were over 10% Asian American⁸. The district lines in Chicago's Chinatown – a compact community whose members have common ground in terms of history, ethnicity, language, and social concerns – is a striking example of the harmful fragmentation of the Asian American community through redistricting. The 2001 redistricting divided Chinatown from two Illinois Senate districts into three Senate districts, and from three Illinois House districts into four House districts (as can be seen on the map appearing at the end of this testimony).

In addition to the Chicago Chinatown area, there are several other Asian American communities that have been fragmented by past redistricting. The area encompassing Devon Avenue, Lincolnwood, and Skokie is divided into two different Senate districts. The Albany Park area in Chicago has been similarly divided. The Argyle Street Market in Chicago now lies at the edge of its House district, making it vulnerable to being fragmented during redistricting in 2011. The Asian American community has been severely splintered as a result of past

⁷ After the 2000 Census, but before the 2001 redistricting, Senate Districts 3, 8, 9, 27, and 28 each had Asian populations of over 10%. Illinois Speaker of the House, Redistricting Website, citing 2000 Census Data by Senate District, available at <http://clients.ecampaigning.com/ilr/data/2ksenate.htm>.

⁸ After the 2001 redistricting, only Senate Districts 7 and 8 had Asian populations of over 10%. Illinois Speaker of the House, Redistricting Website, citing Currie II (as Amended by Bilandic Amendment) House Districts – Total Population, available at http://clients.ecampaigning.com/ilr/data/currieii_house.htm.

redistricting. We urge you to ensure that this unfortunate history is not repeated by enacting reform legislation that meaningfully protects minority voting rights.

III. AAI'S GENERAL RECOMMENDATIONS FOR REDISTRICTING REFORM

Given the historical and ongoing dilution of minorities' votes in Illinois, it is crucial that redistricting reform legislation explicitly and effectively protect the voting rights of minority communities. Legislation must also provide for greater public input and transparency so that all Illinois residents have a fair opportunity to elect their representatives.

Any redistricting reform legislation should include the following elements:

- (1) *Require the maximization* of minority voting strengths to the full extent permitted by law;
- (2) Prohibit the drawing of districts with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process, or diminishing their ability to elect representatives of their choice;
- (3) Ensure that any commission, whether back-up or advisory, be diverse and large enough in its membership to reflect the racial and other diversity of the residents of Illinois;
- (4) Preserve communities of interest or, in other words, communities concentrated within a geographic area that share ethnic, cultural, social, economic, religious, or political interests;
- (5) Ensure public transparency by mandating public hearings both before *and* after any proposed map is drawn, with a minimum 14-day notice requirement for the hearings; a minimum 30-day response period for public response after the hearings and after releases of proposed maps; and hearing transcripts and recordings available online promptly after hearings;
- (6) Provide a meaningful opportunity for public input and participation, including making redistricting data and mapping software available to the public so that citizens can submit partial or full proposals;
- (7) Not require the minimization of districts that cross county or municipal boundaries, given that such a prohibition would harm minority communities, which expand outwardly from existing community centers, regardless of county or municipal boundaries; and

- (8) De-nest the Illinois Senate and House districts, given that the current nesting requirement limits the ability of mapdrawers to protect the voting rights of minorities during redistricting.

At the current time, AAI is not endorsing or submitting comprehensive analysis of particular redistricting reform proposals. However, below are AAI's initial recommendations about necessary revisions to the proposals by Representative James D. Brosnahan and Senator Dale A. Righter so that the redistricting process is fair to Asian Americans and Illinois residents at large.

IV. AAI'S RECOMMENDATIONS FOR REPRESENTATIVE BROSNAHAN'S PROPOSAL

First, AAI views this proposal as a step forward with regard to minority voting rights as compared to the current Illinois Constitution, which makes no mention of the federal Voting Rights Act or the protection of minority voting rights. However, the current proposal's requirement to "reflect minority voting strengths" does not provide strong enough protection for minority communities. Rather, redistricting reform legislation should include language that (a) *requires* the *maximization* of minority voting strength to the full extent permitted by law; (b) prohibits the drawing of districts with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process, or diminishing their ability to elect representatives of their choice; and (c) preserves communities of interest. With regard to communities of interest, there is no doubt that it is important to define this term carefully in order to prevent abuse of the principle. However, the mere potential for abuse is an insufficient reason to omit the "communities of interest" concept entirely from redistricting reform legislation, given that the concept has been used appropriately in other states to remedy unfair vote dilution of minority communities.

Second, the number of members on each respective Redistricting Commission must be increased in order to allow diversity, and diversity must be one of the factors considered during the selection of Legislative and Representative Commission members. Four members are too few to ensure that diverse viewpoints are represented at the table. An increased number of

Commissioners is necessary to engender diversity and would still allow for an efficient work process.

Third, Representative Brosnahan's proposal must better address the urgent need for increased transparency and public input during redistricting in Illinois. Specifically, the Commission must be *required* to hold public hearings (not merely be *permitted* to hold hearings), make redistricting data and mapping software available to the public, and consider maps proposed by the public. In order for there to be true transparency and public participation, there must be at least five public hearings throughout the state *before* the Commission draws any maps, and an additional five public hearings throughout the state *after* proposed maps are drawn. Those charged with drawing the maps cannot legitimately understand or keep in mind the needs of communities unless they hear first-hand from the public before and after the map-drawing process begins. The public must also have prompt access to redistricting data, mapping software, and hearing transcripts and recordings, in order to give useful input on where district lines should be drawn. Furthermore, the public must be given at least 14 days notice of hearings in order to prepare for and participate in them, and there should a public comment period of at least 30 days after each hearing or release of a proposed map, during which to submit any suggestions or proposals.

AAI commends Representative Brosnahan's proposal for not prohibiting or discouraging districts that cross county or municipal boundaries. Such a prohibition would harm minority communities, which tend to expand outwardly from existing minority community centers, regardless of county or municipal boundaries. AAI also supports the proposal's call for the de-nesting of Illinois Senate and House districts, given that the current nesting requirement in Illinois limits the ability of mapdrawers to protect the voting rights of minorities during redistricting.

V. AAI'S RECOMMENDATIONS FOR SENATOR RIGHTER'S PROPOSAL

AAI's specific suggestions mentioned above in Section IV also apply to Senator Righter's proposal, but the Committee should note a few key aspects of this proposal.

First, Senator Righter's proposal contains no mention or protection of the rights of minority voters. Redistricting reform legislation should include specific language, such as the language that AAI suggested above, to protect the rights of minority voters.

Second, although Senator Righter's proposal correctly calls for mandatory public hearings *after* proposed maps have been drawn, public hearings must also be held *before* maps are drawn. The needs of communities cannot be properly taken into account unless mapdrawers hear from the public before and after the map-drawing process begins.

Third, the requirement in Senator Righter's proposal to minimize the number of districts that cross county or municipal boundaries will harm minority communities. Minority communities grow from existing community centers, without regard to county or municipal boundaries. When county or municipal boundaries split an area with a significant and concentrated minority population, political boundary considerations should not be held paramount, in light of past and existing minority vote dilution in Illinois and the United States at large.

Finally, AAI supports the proposal's de-nesting of the state Senate and House districts, as Illinois' current nesting requirement is at odds with the protection of minority voting rights.

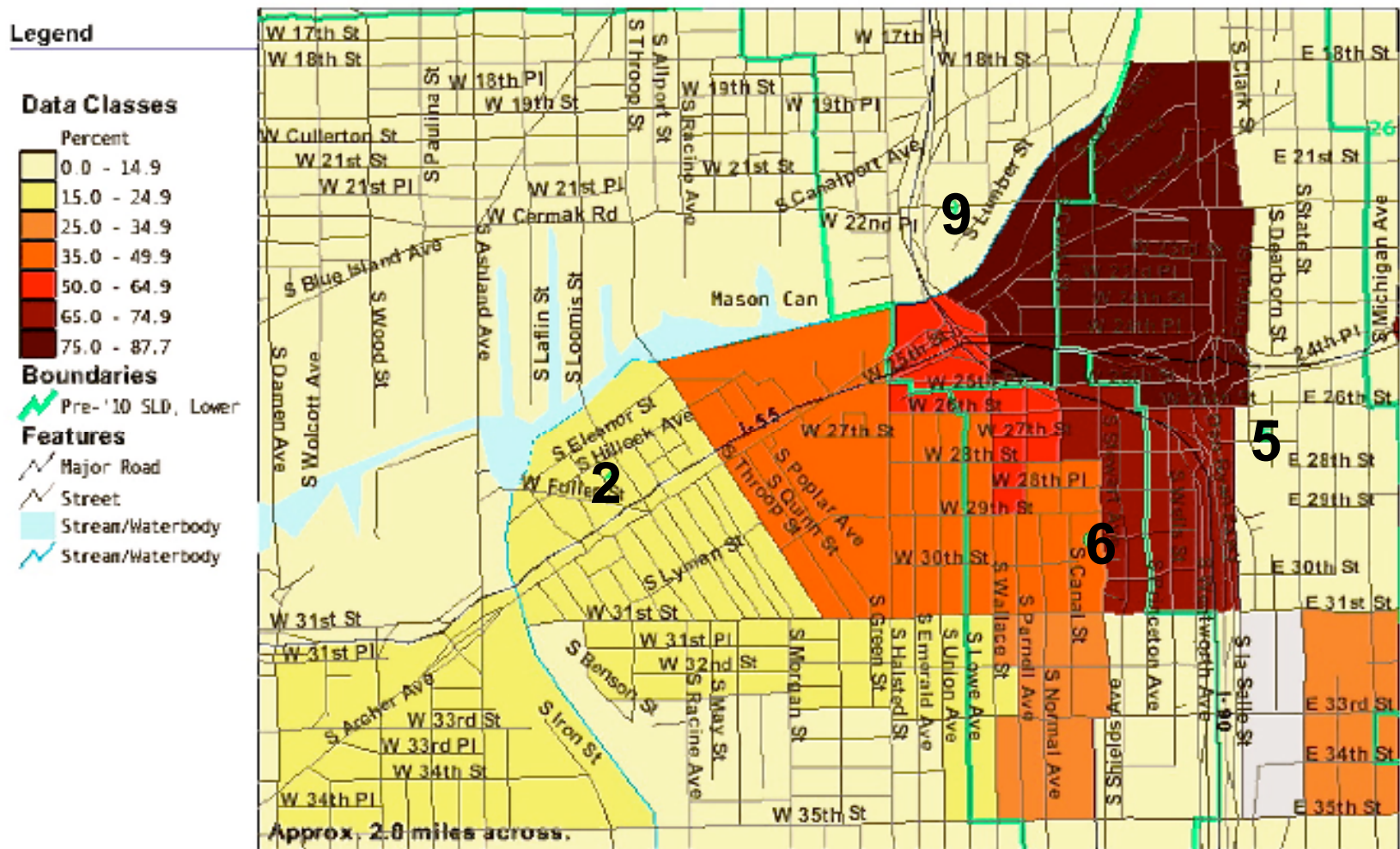
VI. CONCLUDING REMARKS

Asian American Institute urges the Senate Redistricting Committee and other members of the General Assembly to remain mindful of the vote dilution faced by Asian Americans in Illinois. In today's diverse society, it is crucial for redistricting to meaningfully protect the voting rights of minority communities and all other Illinois residents, who are entitled to a fair chance at civic participation. Thank you for this opportunity to share the concerns of the Asian American community. Upon request, AAI would be glad to provide additional information or analysis to the Committee and other members of the General Assembly.

ILLINOIS STATE HOUSE REPRESENTATIVE DISTRICT LINES CHICAGO'S CHINATOWN, POST-2001 REDISTRICTING

This map shows the borders of Illinois House Districts 2, 5, 6, and 9. It is clear from the map that very high concentrations of Asian Americans live in a relatively compact area that is fragmented into multiple districts.

Census 2000 TM-P008
Percent of Persons who are Asian Alone or in Combination With One or More Races



Source: U.S. Census Bureau, Census 2000 Summary File 1, Matrices P1, and P9.