

**Testimony**

**By**

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**On behalf of the Congressional Asian Pacific American Caucus**

**Before**

**The Senate Committee on Rules and Administration**

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**Russell Senate Office Building, Room 301**

Chairman Dodd, Ranking Member McConnell, distinguished Members of the Committee, thank you for affording me the opportunity to testify on election practices and procedures and initiatives such as S. 565 and H.R. 1170 to reform our electoral process. I am here to submit testimony on behalf of the Congressional Asian Pacific American Caucus (CAPAC) as one of the 31 Members from the House and Senate who sit on this caucus.

I am proud to represent California's 30<sup>th</sup> Congressional district located in the City of Los Angeles. My district is a snapshot of the American quilt. It is representative of the awesome diversity in our nation. Woven into the fabric of this quilt are people from all walks of life – young and old, those with means and those with dreams, and people from different backgrounds but bound by the common values that make us American. Within the City of Los Angeles is a thriving Asian Pacific American (APA) community. More than 375,000 residents of the City are APA – that constitutes more than 10% of all Angelenos. My district is about 24% APA – ranking it 8<sup>th</sup> in APA population for all congressional districts in the country. This is indeed a vibrant community and I am honored to have the opportunity to represent my constituents before you today.

Safeguarding the integrity of our elections is fundamental to our democratic way of life. There is nothing more basic to our system of government than the right of every citizen to participate in shaping the course of our country by casting a vote. When the electoral process is marred, the very foundation of America is compromised. Unfortunately, for

many in our country, including APA's, the electoral process is, if not broken, in need of repair.

There are two major issues that I believe create barriers to voting in the APA community: first, poor enforcement of Section 203 of the Voting Rights Act which guarantees assistance to language minorities at the polls; second, voter discrimination, or what we would call in today's vernacular, "racial profiling."

Since 1990, the APA population has grown by at least 46% from close to 7 million to more than 10.5 million today. The Census in 1990 reported that approximately 56% of the APA population was limited English proficient. More than 35% of APA's lived in households in which none of the individuals age 14 or over was proficient in English.

Much of the growth in this community is fueled by immigration. Like the early German settlers who arrived before our nation was independent, immigrants from Asia may come with a different tongue but they arrive with the same heart. But even in the days of our infancy, our great nation worked to enable the early German settlers with limited English proficiency to take part in the greatest democratic experiment in history. As soon as our Declaration of Independence was issued, it was immediately printed in German so that American's of German descent could read that great document.

More than two-hundred years later people from all over the world continue to come to this country beckoned by the torch of liberty. While the right to vote is fundamental in

the practice of democracy, many of our newest citizens are denied that right because they are not proficient in English. Language barriers should not prevent any American from effectively participating in the political process. That is why it is so essential for those of us in Congress to understand the importance of enforcing Section 203 of the Voting Rights Act. In addition, we must become more sensitive and aware of the problems that people with limited English proficiency face in the process of voting as we consider ways to improve our electoral system.

Section 203 was enacted in 1975 in order to provide voting assistance in communities where a substantial percentage of the population consists of individuals with limited English proficiency. In 1992, Congress reauthorized and strengthened Section 203 to improve language assistance at the polls for American voters. Specifically, Section 203 mandates that bilingual ballots, voting materials, and oral translation services be provided when within a state or political subdivision, 5% of the citizens of voting age or more than 10,000 citizens of voting age are members of a particular language minority are limited in their English proficiency.

Several APA organizations monitored polling places for Section 203 compliance during the last election cycle. Their findings demonstrate that there is more that needs to be done to empower Asian Pacific American voters.

The Asian American Legal Defense and Education Fund (AALDEF) headquartered in New York monitored 20 polling sites for the November 2000 elections in the boroughs of

Brooklyn, Manhattan and Queens, all with large Korean and Chinese populations.

AALDEF's findings are reported in a New York Times article dated January 1, 2001.

Let me provide a couple of examples of errors that occurred in the City of New York which has an APA population of about 10%.

For the November 2000 elections, Chinese language ballots were incorrectly translated at six New York voting sites. In these cases, party affiliation was switched for candidates in state races. The term "Democrat" was translated as "Republican" and the term "Republican" was translated as "Democrat." In Manhattan's Chinatown, ballots printed in Chinese provided inaccurate instructions for selection of State Supreme Court Justices. While election officials scrambled to correct the error by Election Day, absentee ballots had already been sent out. The erroneous instructions likely led to the rejection of many of the absentee ballots returned. Other concerns raised by AALDEF included a lack of Chinese interpreters at polling places and the verbal conveyance of inaccurate instructions at the polls.

In Southern California, the Asian Pacific American Legal Center (APALC) monitored 54 sites in 19 Los Angeles and Orange County cities for the November 2000 elections.

APALC's findings, while more encouraging, were still troubling. According to APALC, there have been improvements in bilingual assistance in both counties in terms of poll worker recruitment, display of multi-lingual materials, and poll worker familiarity with language needs. In addition, both counties had a hotline for voters to call with problems. However, in Los Angeles County alone, 14 poll sites failed to display or make available

the bilingual materials provided to them by the local county registrar. In almost every instance, the multilingual card with the 1-800 hotline number was not properly displayed at polling sites and many poll workers did not know of the hotline number's existence or purpose.

These examples illustrate a need to continue our efforts to enforce the requirements of Section 203 of the Voting Rights Act. Better planning and training are necessary to ensure that polling sites comply with the law and that workers are equipped to meet the needs of voters with limited English proficiency. As we endeavor to usher our election procedures and practices into the 21<sup>st</sup> century utilizing new voting technologies, we cannot forget the needs of limited English proficient voters.

Let me next address the troubling trend of a form of "racial profiling" that occurs within the APA community and how that affects the right of individuals to vote. I should start by saying that "there is no foreign face in America." We wear our patriotism in our hearts and through our actions, not on our skin. Unfortunately, the APA community has long had to endure the label of "perpetual foreigner" even though many APA's today trace their roots in this country back to the 1800's. While these loyal Americans salute the same flag to which we all pledge our allegiance, members of this community have too often been singled out as un-American simply because of the color of their skin. I know I don't have to remind the Members of this Committee of the burdens endured by Japanese Americans during World War II who were forced into internment camps because of unfounded questions of loyalty.

More than fifty years later, the patriotism of members of the APA community is still too often unjustly called into question. Little more than one month ago, one of our own colleagues and Chairman of CAPAC Congressman David Wu of Oregon was initially denied entry into the U.S. Department of Energy on question of his citizenship. Here is a Member of Congress on official duty, present at the invitation of DOE personnel and displaying appropriate identification – including his official Congressional identification – asked whether he is an American citizen not once, not twice, but three separate times.

Some may say this was just a simple misunderstanding and a minor inconvenience. Congressman Wu did after all make it into the DOE building. But what happens when this takes place at the polls? Will the intimidated voter make it into the voting booth? According to APALC, during the November 2000 elections, Asian American voters were singled out at a voting site in San Marino, California by election workers who evidently asked only Asian American voters for identification and proof of citizenship.

Indeed, this is a troubling form of voter discrimination not unique to San Marino, California or to the November 2000 elections. A federal investigation has confirmed voter discrimination against South Asian and Arab Americans in the town of Hamtramck, MI during the 1999 elections. These voters were singled out and had their voting eligibility challenged by election workers at 19 of the town's 36 polling sites according to the U.S. Department of Justice. This investigation was prompted by allegations of voter harassment. One such case was the experience of a voter named Nurjahan Ali who was

asked to provide citizenship papers or a passport before voting. She was then forced to read an oath of allegiance to the United States before voting.

This kind of behavior by poll workers is unacceptable. To engage in racial profiling at the polls strikes at the heart of our democracy. There is nothing more un-American than to deny a citizen the right to vote or to challenge that right simply because of skin color. This kind of treatment discourages Americans, particularly new Americans, from participating in our electoral process. Racial profiling, whether on our streets or at the voting booth, is insidious. We must address the issue of racial profiling at the polls as we move forward with electoral reform.

Mr. Chairman, let me conclude by expressing my commitment to working with this Committee to address the challenges our citizens face as they seek to exercise the precious freedom to vote. At a time when voter participation is at a depressing low, we have a chance to invigorate the American people and restore their faith in our electoral system. Your legislation, S. 565, and its House companion, H.R. 1170 by Congressman Conyers present a constructive framework to produce the much-needed reform within our electoral system.

Again, thank you for giving me the opportunity to testify before this Committee.