PAN-ETHNICITY REVISITED: ASIAN INDIANS, ASIAN AMERICAN POLITICS, AND THE VOTING RIGHTS ACT

by Wendy K. Tam Cho* and Albert H. Yoon**

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I. INTRODUCTION

A. DEVELOPING IDENTITIES

Asian Americans are both expanding in population size and constantly evolving as a group. The community represents a diverse range of social, economic, and political characteristics. Given their relatively recent immigration histories, many Asian ethnic groups are at the early stages of embracing a broader Asian identity that transcends individual ethnic identities. Asian Americans represent a conglomerate of various ethnic groups who are themselves fluid, rather than static, entities. Asian American demographics have been completely redefined since the Immigration Act of 1965. Prior to 1965, government restrictions on immigration prevented the entrance of large numbers of Asians into the United States. Accordingly, the majority of the group was native-born. Some forty years later, with the revamping of U.S. immigration law, the group now reflects a larger foreign-born population. Additionally, in the 1990 U.S. Census, Asian Americans numbered just over 7 million. As of 2002, the number had swelled to 12.5 million.

As Asian immigrant groups begin to acculturate, their foray into the political scene becomes more likely. The next generation of this large immigrant group will more likely be socialized into mainstream American politics, instilled with a sense of civic duty, and groomed to believe in the democratic institutions that shape this country. For Asian Americans, the ripeness of the political calling is also affected by the aging of their population. As a group, they have a lower median age than non-Hispanic whites. How Asian Americans will be best represented within our political system remains a quandary. Will they exhibit enough of a pan-ethnic consciousness to reap the benefits of the large umbrella group? Will they be able to capitalize on existing legislation, namely, the Voting Rights Act of 1965 (“VRA”), meant to enhance minority representation? Is their political potential limited to success only in locales with high concentrations of Asian Americans?

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2 See id.
5 See Reeves & Bennett, supra note 4.
How and whether Asian Americans will emerge as a viable political force remains uncertain. Analyzing the political potential of this group is a challenging endeavor because of its exceptionally fluid composition. Immigration from Asia forge ahead at a rapid pace, the proportions of the various ethnicities continue to shift, and the balance between foreign-born and native-born fluctuates.

B. POLITICAL EMPOWERMENT THROUGH PAN-ETHNICITY?

Here, we endeavor to understand the ideal political emergence track by exploring one aspect of the pan-ethnicity question. Pan-ethnicity refers to different ethnic groups identifying themselves as a single bloc along political, social, or economic interests. This is an intriguing phenomenon and more complex to measure and analyze than one might initially guess. Nonetheless, the degree of pan-ethnicity has been cited as a key to political empowerment through both electoral processes and remedial statutory schemes. Specifically, ethnic groups are not entitled to any relief under the Voting Rights unless they vote as a cohesive bloc.

We examine the pan-ethnicity question from a neglected perspective and with a unique source of data. In particular, we focus on the challenges presented by just one of the Asian ethnic groups: Asian Indians. We attempt to assess political interests and the potential for political cohesiveness by exploring patterns evident in campaign contributions. Ideally, we would have gathered survey data for the entire group, but such data are extremely rare since Asian Indians constitute such a small portion of the overall population in the United States. Moreover, the secret ballot obscures attempts to determine voter preferences directly. Hence, to revisit the pan-ethnicity question, we focus on examining an under-explored data source—campaign finance data. We also take note of the popular notions of Asian Indian political participation by the mass media, as well as the conceptions of Asian Indian identity through the eyes of Asian Indian political candidates. We take these elements together to assess whether Asian Americans will find the Voting Rights Act to be an aid in a quest for political empowerment, or whether their political fortunes lie elsewhere.

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II. ASIAN INDIANS AS A POLITICAL GROUP

Asian Indians are an especially intriguing case, since their racial identity has been one of the most volatile. In 1923, the Supreme Court held in *Bhagat Singh Thind v. United States* that Asian Indians are considered Caucasian, but not white. Because naturalized citizenship at that time extended only to Caucasians and those of African descent, this definition of the group had the political consequence of negating naturalization petitions by Asian Indians residing in the United States. Furthermore, it challenged the validity of naturalization petitions already granted. The U.S. Census later (1920–1940) regarded all Asian Indians as “Hindoo” (irrespective of whether they were followers of the Hindu religion). In 1973, the Federal Interagency Committee on Education (“FICE”) offered Directive 15. Its recommendation for racial and ethnic classifications suggested that Asian Indians were a people distinct from the broader Asian American group.

Although the 1980 Census incorporated most of the racial and ethnic designations for other groups in Directive 15, the Office of Management and Budget (“OMB”) deviated from the recommendations for Asian Indians. Instead, the OMB officially designated Asian Indians, for the first time in U.S. history, as falling within the category of Asian American, along with the Chinese, Filipino, Japanese, Korean, and Vietnamese. The official designation of Asian Indians as Asian Americans, then, has been a recent phenomenon, dating back just two decades. Moreover, since even the general “Asian American” label has been a somewhat novel conception, it does not seem surprising that political cohesiveness might not be immediate. Given this history alone, Asian Indians, as well as other Asian American subgroups, face significant barriers in embracing an Asian American identity.

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8 261 U.S. 204, 207 (1923) (stating that “[i]f the applicant is a white person, within the meaning of this section, he is entitled to naturalization; otherwise not”).
9 See Immigration Act of 1917, ch. 29, 9 Stat 874 (1917) (repealed 1952) (restricting the legal entry of Asian Indians into the United States).
10 At the time of the suit, Thind was applying for U.S. citizenship, which the federal district court had granted over the objection of the Naturalization Examiner for the United States, 268 F. 683 (D.C. Or. 1920), only to be reversed by the U.S. Supreme Court. For a discussion of the broader effects of the *Thind* decision, see Joan M. Jensen, *Passage From India: Asian Indian Immigrants in North America*, 259–65 (1988).
11 See U.S. Census 1920–1940.
In general, the demographic composition of Asian Americans has been rapidly changing. Asian Indians are similar to other Asian American subgroups in this respect. According to the U.S. Census, from 1990–2000, the Asian Indian population has grown by 106%, the fastest rate among all of the Asian ethnicities. They are now the second largest Asian ethnic group, smaller only than the Chinese. Although poverty is a rising concern, the Asian Indian group scores well on average socio-economic indicators. According to the U.S. Census, the Asian Indian group has one of the highest income and education levels in the United States. Like many of the other Asian groups, these numbers have risen and changed dramatically in the course of their history in the United States.

A. NOTIONS OF ASIAN INDIAN POLITICAL ACTIVITY

There has been relatively little research into the role of Asian Indians in American politics. This article bases its analysis on several indicia relevant to Asian Indian political participation. First, we utilize observable trends in political contributions by Asian Indians to electoral candidates (the overwhelming majority of whom are not Asian Indian). Second, the observations of and comments from Asian Indian political candidates are analyzed. Finally, we examine political patterns such as the number of Asian Indian electoral candidates and the levels of government in which they have made noticeable impacts.

Since the majority of Asian Indians in the United States are recent immigrants, one might not expect them to have emerged as a viable political force through their participation in the American political process. As with many of the

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14 See HING, supra note 1.
16 See Id.
17 See HING, supra note 1.
19 See, e.g., Vindu P. Goel, The Rise of Asian Indians, THE PLAIN DEALER, July 28, 1996, at 8. (describing how in Ohio, Asian Indians contributed $85,000 to Governor George V. Voinovich for the 1990 gubernatorial election, and have since contributed $133,000 more).
Asian groups, the majority of the Asian Indian population arrived in the U.S. following the 1965 immigration reforms. These reforms eliminated the existing national origins quota system, which had severely restricted immigration from Asian countries, and expanded the quota of immigrants from each country to 20,000 persons. According to the INS, in 1980, over 80% of the Asian Indian group was foreign born, and since that time, roughly 25,000 immigrants have arrived annually. Although unemployment and poverty are not insignificant, it is notable that, as a whole, Asian Indians have a higher than median income per worker than the general population. In 1965, only 300 immigrants came from India; by 1975, immigration had risen to 14,000, increasing the then-total number to over 175,000. Notably, the Asian Indian group comprised a large proportion of the immigrants who utilized the investor provision of immigration laws. Thus, the Asian Indian group is relatively new, but also relatively affluent.

Unlike most new immigrant groups which typically take time to adapt to new political structures, the Asian Indian group has already shown trends indicating a rising political consciousness. For instance, in recent years, there has been a surge in Asian Indians seeking elected office. As a case in point, the 2002 midterm elections witnessed many Asian Indian candidates seeking various public offices from city council seats, to the U.S. Senate. It is not surprising that the majority of these candidates ran for office in New York and California, where there are large concentrations of Indian Americans. Asian Indians who have served in state legislatures include Nimi McConigley of Wyoming, along with current legislators Satveer Chaudhary of Minnesota, Kumar Barve of Maryland, Upendra Chivukula of New Jersey, and the recently elected Swati Dandekar of Iowa. Most recently, in November 2003, Piyush “Bobby” Jindal ran a spirited and close campaign for the governorship of Louisiana. Jindal, a Republican, was leading throughout the race, only to lose narrowly against the incumbent Democrat Lieutenant Governor, arguably a result of his political inexperience. At the local level, at least three Asian Indians have held the position of mayor: Bala K. Srinivas in Hollywood Park, Texas; John Abraham of Teaneck, New Jersey; and Arun Jhaveri of Burien, Washington.

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21 See U.S. Census Bureau, supra note 15.
23 See Lal, supra note __, at __.
25 Leading in the polls days before the election, Jindal, former Secretary of Health and Hospitals for Louisiana, chose not to respond to political advertisements attacking his health care proposal. He subsequently lost the election by a 52–48 margin. Jeffrey Gettleman, In Louisiana Election, a First and a Near First, N.Y. Times, Nov. 17, 2003, at A12.
Most Asian Indian candidates have run at the local and state levels, but there have been some notable federal campaigns as well. The most noted Asian Indian elected official is Dalip Singh Saund, a member of the House of Representatives (D-CA) from 1957–1963, who helped develop diplomatic relationships between the United States and India. To this day, he remains the only Asian Indian ever elected to federal office. It is debatable whether another victory at the federal level is imminent. The latest census figures estimate the Asian Indian population at approximately 1.7 million nationally, so the potential voter base is significant. However, since the Asian Indian population is not geographically compact, obtaining relief under the Voting Rights relief as well as securing an electoral base may be problematic. According to the Indian American Center for Political Awareness, under a system of proportional government, the existing Asian Indian population figure would roughly translate into three seats in the U.S. Congress and forty-five seats in the various state legislatures.

Potentially, several factors may explain the lack of electoral success for Asian Indian candidates. Some pundits claim that many Asian Indians simply set their sights too high—some run for federal office having held no previous elected office, or having ever waged a meaningful political campaign. Perhaps the greatest benefit Asian Indians have accrued from running for federal office is simply experience. Consider, for instance, the 2002 midterm elections. Ela Dutta and Vasantha Arora note in their Desi Talk article (November 1, 2002),

…of the Congressional races where Indian Americans are running, they are pitted against safe winning candidates, signifying almost that Indian Americans chose to run or were chosen to run losing campaigns just to gain the experience of the political process. For example, in New York’s District 26, which is a safe Republican District, the Democratic Party put up Ayesha Nariman against Republican incumbent Thomas M. Reynolds. Meanwhile, Democrat Edolphus Towns of District 10 in New York, who speaks frequently against India, is unopposed. Again, in the safe Republican District 29 in New York, Democrat Peter Kisun has little chance of getting anywhere against incumbent Amo Houghton. In New Jersey’s District 11, a safe Republican district, Democrat Vij Pawar is facing incumbent Rodney Frelinghuysen.

This situation appears to be the norm for Asian Indians who have waged campaigns for elected office, especially Congress.

26 See D. S. SAUND, CONGRESSMAN FROM INDIA (1960).
A constant flow of Asian Indian immigrants has lead to the growth of an electoral base from which Asian Indian candidates can draw. These characteristics would not immediately cast them into the spotlight as a formidable political force. However, a closer examination of Asian Indian political participation reveals that this group will more quickly appear on the political landscape than most would expect. For example, Asian Indians already comprise a relatively large number of electoral candidates. In addition, the socio-economic and demographic levels among the grassroots electorate are indicative of rapid political assimilation and participation.

B. IDENTITY POLITICS

For Asian Indians who have forayed into the political scene, identity issues have presented a concern. Specifically, it is unclear what position Asian Indians occupy in relation to the broader Asian American population. Consider the candidacy of Ram Uppuluri, a Democrat from Tennessee who ran for Congress in 1994. Although his mother was Japanese and his father was Asian Indian, Uppuluri identified himself as a Tennessean throughout his campaign. By labeling himself in an ethnically-neutral manner, Uppuluri had hoped to vanquish concerns about which constituent group he was seeking to serve. Uppuluri’s attempts to tap into ethnic communities outside the Asian Indian ethnic group yielded only moderate success. His efforts to reach out to the Japanese American community were met with failure, despite a concerted effort to increase his visibility within the Japanese American community through interaction with prominent Japanese Americans and the Japanese American press. Some considered Uppuluri’s effort to be “unfocused and not targeted to a specific type of Japanese American contributor or voter.”

In the end, his efforts to include the Japanese American community proved futile because Uppuluri was considered to be a candidate for only Asian Indians. By contrast, his efforts to gain campaign support from the Asian Indian community were eagerly embraced. The popular press had articles referring to Uppuluri as an Indian American politician. Moreover, among Uppuluri’s 260 campaign contributions, the majority (approximately 80%) were from Asian Indians, while a scant 1.25% were from Japanese Americans.

The Uppuluri campaign also implicates the applicability of the Voting Rights framework to Asian Americans. Moreover, interviews with a number of Asian Indian candidates reveal that their main concerns do not center upon an Asian

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29 See id. at 198.
American identity. According to Minnesota State Senator Satveer Chaudhary, currently the highest ranking Asian Indian in elected office, “[T]he beauty of Indian issues and Asian issues is that our concerns are mainstream. We want solid education—both secondary and post-secondary. We have an interest in workplace equity and job growth, especially high tech growth…. We have an interest in a society free from racism.”30 In short, Asian Indians target their campaign platforms to their constituency as a whole, and not just toward Asian Indians or Asian Americans. Neil Dhillon, a candidate for the U.S. House of Representatives in 1994, stated that his campaign focus was job creation. His bottom line is that “you are working for the people of this country.” Former Wyoming state legislator, Nimi McConigley, states that “Indian Americans must consider mainstream issues such as a balanced budget, health care, and social security as well, if they seek to win more support. If they think only of immigration issues, they will seem self-serving.” Ayesha Nariman, a Democrat who ran unsuccessfully for Congress in New York’s 26th district, had a campaign focused on frugality in government and balancing federal budgets. Lastly, recently-elected Iowa state representative Swati Dandekar believes that her friends and constituents see her as “mainstream American, part of America,” with little thought about her Indian American heritage. She ran on a platform focused on education and economic development. Clearly, Asian Indian politicians focus their campaigns on broader constituents’ issues and not on Asian Indian or Asian American issues alone.

Despite the increase in Asian Indian political activity, the role of Asian Indians within Asian American politics is not clear. Nonetheless, the Asian Indian group is poised in a unique position to make a clear political mark. Asian Indians have high socio-economic indicators and high rates of English proficiency, implying that they are likely to have and maintain high levels of political participation. They have also fielded an impressive number of viable political candidates for office at all levels of government. Within the broader Asian American population, Asian Indians are making a strong bid to become one of the most politically active and politically successful ethnic groups.

III. FEDERAL ELECTION COMMISSION’S CAMPAIGN FINANCE DATA

Determining how Asian Indians behave politically is not a simple task. In the United States, because ballots are secret, the political preferences of an ethnic group are hidden. Surveys and exit polls allow some glimpses into political preferences, but it is rare to find an abundant number of Asian American responses in either surveys or exit polls. If the focus is on an even smaller group, such as Asian Indians, the possibilities become even more scarce. However,

campaign finance data present a rich source of information illustrating Asian Indian political preferences. For some ethnicities, including Asian Indians, names are fairly distinctive. Therefore, we can reliably parse data with name records for Asian Indians. Our observations are based on the Asian Indian contributors in the Federal Election Commission ("FEC") data from 1980–2000. This list is a comprehensive list of Asian Indian contributions to federal campaigns, Political Action Committees (PACs), and party organizations for this twenty-year time period. We also examine contributions from any donor to Asian Indian candidates for federal office. This data set is also a comprehensive list of Asian Indian candidates for the same time period. For each of these candidates, we have the full set of recorded contributions for each specific campaign, as well as a list of Asian Indian contributors. Thus, this data allows us to track political activity for all Asian Indian candidates as well as Asian Indian campaign donors.

A. FINDINGS

Asian Indians contributions have risen significantly since 1980. Twenty years ago, they gave just about $129,000, but by the 2000 election cycle, these amounts had risen to over $8 million dollars. Donations are clearly trending upward, and in quite a dramatic fashion. The rapid increase in donation amounts, coupled with the fact that Asian Indians have one of the highest median incomes of any group in the United States, implies that the potential monetary support for political candidates is enormous. Note as well that the rate of growth in contributions exceeds the growth rate of the population. While the population has doubled in the last two decades, the rise in contributions has far overshadowed even this phenomenal population growth.

31 See U.S. Census Bureau, supra note 15.
For our purposes, the more interesting question is not how much money Asian Indians contribute, but for what causes the money is earmarked. Are these patterns similar to other Asian American groups? Is there some obvious connection of interests that is evident across various ethnicities? In the political realm, the most obvious divide is partisan in nature. Figure 1 shows that Asian Indian contributors favor Democrats, a preference that has been almost constant throughout the period for which these data are available. The 1990s were especially divisive on the party front. The Asian Indian group is not as strongly in the Democratic camp as blacks and Latinos, but their preferences, as indicated by their financial contributions, clearly lean in that direction. The patterns in these data do not necessarily translate directly to the entire Asian Indian mass electorate, but they are indicative of some general tendencies. Inauspiciously for voting rights issues, many of the other Asian groups tend to lean in the other direction. In particular, the Chinese and Koreans have more Republican tendencies. The newer immigrant/refugee groups tend to lean Republican as well. The notable exception to the Republican tendencies within the Asian American groups is the Japanese, who appear to clearly favor the Democratic party. These patterns are evident in both registration preferences as well as vote choices.

There are many perspectives on the contribution data. Thus far, we have been examining the patterns behind Asian Indian donations. Another angle to take is to explore who donates to Asian Indian candidates? Table 1 is a listing of

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32 Tam, supra note 6 at 241.
33 See id. at 238.
contributions to Asian Indian candidates who ran for federal office from 1980–1998. Table 2 displays contributions to Asian American candidates (of ethnicities other than Asian Indian) who ran for federal office from 1980–1998. The tables list each candidate’s name, the elected seat he or she sought (Race), the year of the race (Year), the number of contributors (N), the total amount in contributions (Amount), the percentage of total contributions donated by Asian Americans (Asian), and the percentage of the Asian American contribution that came from the candidate’s own ethnic group (Ethnic).

The results reveal that as a general matter, Asian American candidates rely heavily on contributions from Asian American donors, and donors within their own ethnic group. There are subtle differences across subgroups, with candidates of Korean ethnicity more reliant on contributions within their own ethnic group than Chinese, Japanese, or Vietnamese candidates. The trend, however, is most pronounced for Asian Indians; for all candidates, except Neil Dhillon and Ram Uppuluri, any contribution from an Asian donor came from an Asian Indian donor. Moreover, even with these two exceptions, the contribution percentages from Asian Indians were so high (99.5% and 97.5%, respectively) that they can essentially be regarded as 100%. Taken together, these Tables reveal that the notion of pan-ethnicity is, for all practical purposes, nonexistent in these data.

Note that the strong nationalistic theme in the contributions data do not differ based on the type of election, the type of candidate, or the percentage of the electorate that is Asian. Candidates who raise a lot of money are not able to tap into the broader Asian American network. Likewise, candidates who raise relatively little money draw their funds from the same group of contributors. The seriousness of the candidacy, as measured by the amount in contributions and the percentage of the vote that the candidate received, is not a factor in these data. Candidates who run in both a primary and general election are not able to collect any more money from the pan-ethnic contributor network than those who lose their primary bid.

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34 Table 2 does not include data for incumbent Representatives Robert Matsui (D–CA) and Norman Mineta (D–CA). Both Matsui and Mineta were in public office for many terms. Since contributions for incumbents are affected by additional factors, data for Matsui and Mineta are not included in this table.

35 Anecdotal accounts suggest that for Asian Indian contributors, ethnicity transcends politics. In the Louisiana gubernatorial race, registered Asian Indian Democrats nonetheless contributed to Piyush “Bobby” Jindal, a Republican. One Democratic contributor remarked, “[Political affiliation] doesn’t matter. Bobby is one of us. And blood is thicker than water.” See Gettleman, supra note 24.
Table 1. Contributions to Asian Indian Candidates.

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Race</th>
<th>Year</th>
<th>N</th>
<th>Amount</th>
<th>Asian</th>
<th>Ethnic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yash Aggarwal (D)</td>
<td>NY–20</td>
<td>1996</td>
<td>194</td>
<td>$87,221</td>
<td>95.8%</td>
<td>100%</td>
</tr>
<tr>
<td>Jorawar Misir (R)</td>
<td>NY–6</td>
<td>1996</td>
<td>12</td>
<td>$5,950</td>
<td>50%</td>
<td>100%</td>
</tr>
<tr>
<td>Dianand Bhagwandin (R)</td>
<td>NY–6</td>
<td>1992</td>
<td>39</td>
<td>$16,375</td>
<td>69%</td>
<td>100%</td>
</tr>
<tr>
<td>Dianand Bhagwandin (R)</td>
<td>NY–6</td>
<td>1994</td>
<td>0</td>
<td>$0</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Neil Dhillon (D)</td>
<td>MD–6</td>
<td>1994</td>
<td>496</td>
<td>$263,038</td>
<td>85.8%</td>
<td>99.5%</td>
</tr>
<tr>
<td>Peter Mathews (D)</td>
<td>CA–38</td>
<td>1992</td>
<td>30</td>
<td>$14,771</td>
<td>83.3%</td>
<td>100%</td>
</tr>
<tr>
<td>Peter Mathews (D)</td>
<td>CA–38</td>
<td>1994</td>
<td>544</td>
<td>$267,569</td>
<td>88%</td>
<td>100%</td>
</tr>
<tr>
<td>Peter Mathews (D)</td>
<td>CA–38</td>
<td>1996</td>
<td>80</td>
<td>$34,731</td>
<td>67.5%</td>
<td>100%</td>
</tr>
<tr>
<td>Peter Mathews (D)</td>
<td>CA–38</td>
<td>1998</td>
<td>160</td>
<td>$68,639</td>
<td>90%</td>
<td>100%</td>
</tr>
<tr>
<td>Ram Uppuluri (D)</td>
<td>TN–3</td>
<td>1994</td>
<td>261</td>
<td>$95,771</td>
<td>78%</td>
<td>97.5%</td>
</tr>
<tr>
<td>Nag Nagarajan (D)</td>
<td>IN–6</td>
<td>1996</td>
<td>18</td>
<td>$6,676</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Nag Nagarajan (D)</td>
<td>IN–6</td>
<td>1998</td>
<td>1</td>
<td>$500</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Nag Nagarajan (D)</td>
<td>IN–6</td>
<td>2000</td>
<td>7</td>
<td>$2,551</td>
<td>85.7%</td>
<td>100%</td>
</tr>
<tr>
<td>Nimi McConigley (R)</td>
<td>WY</td>
<td>1996</td>
<td>79</td>
<td>$42,750</td>
<td>72.2%</td>
<td>100%</td>
</tr>
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</table>

Table 2. Contributions to Asian American Candidates (excluding Asian Indians).

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Race</th>
<th>Year</th>
<th>N</th>
<th>Amount</th>
<th>Asian</th>
<th>Ethnic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korean</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sang Korman (R)</td>
<td>CA–21</td>
<td>1988</td>
<td>121</td>
<td>$99,000</td>
<td>99%</td>
<td>100%</td>
</tr>
<tr>
<td>Sang Korman (R)</td>
<td>CA–21</td>
<td>1990</td>
<td>281</td>
<td>$172,800</td>
<td>99%</td>
<td>99%</td>
</tr>
<tr>
<td>Sang Korman (R)</td>
<td>CA–24</td>
<td>1992</td>
<td>112</td>
<td>$75,600</td>
<td>96%</td>
<td>100%</td>
</tr>
<tr>
<td>Sang Korman (R)</td>
<td>CA–24</td>
<td>1994</td>
<td>68</td>
<td>$46,800</td>
<td>96%</td>
<td>100%</td>
</tr>
<tr>
<td>Jay Kim (R)</td>
<td>CA–41</td>
<td>1992</td>
<td>644</td>
<td>$319,590</td>
<td>85%</td>
<td>85%</td>
</tr>
<tr>
<td>Jay Kim (R)</td>
<td>CA–41</td>
<td>1994</td>
<td>740</td>
<td>$374,258</td>
<td>85%</td>
<td>85%</td>
</tr>
<tr>
<td>Jay Kim (R)</td>
<td>CA–41</td>
<td>1996</td>
<td>635</td>
<td>$361,340</td>
<td>81%</td>
<td>93%</td>
</tr>
<tr>
<td>Jay Kim (R)</td>
<td>CA–41</td>
<td>1998</td>
<td>351</td>
<td>$235,182</td>
<td>89%</td>
<td>94%</td>
</tr>
<tr>
<td>Kyo Paul Jhin (R)</td>
<td>CA–24</td>
<td>1996</td>
<td>60</td>
<td>$31,850</td>
<td>93%</td>
<td>89%</td>
</tr>
<tr>
<td>Jay W. Khim (R)</td>
<td>VA–11</td>
<td>1992</td>
<td>40</td>
<td>$23,150</td>
<td>60%</td>
<td>96%</td>
</tr>
<tr>
<td>Paull Shin (D)</td>
<td>WA–2</td>
<td>1994</td>
<td>193</td>
<td>$125,985</td>
<td>77%</td>
<td>97%</td>
</tr>
<tr>
<td>Paul Park (D)</td>
<td>IL–Senate</td>
<td>1996</td>
<td>53</td>
<td>$20,400</td>
<td>98%</td>
<td>100%</td>
</tr>
<tr>
<td>John Lim (R)</td>
<td>OR–Senate</td>
<td>1998</td>
<td>428</td>
<td>$302,406</td>
<td>93%</td>
<td>91%</td>
</tr>
<tr>
<td>Chinese</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dan Wong (R)</td>
<td>CA–34</td>
<td>1982</td>
<td>9</td>
<td>$5,100</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Lily Chen (D)</td>
<td>CA–30</td>
<td>1988</td>
<td>137</td>
<td>$112,548</td>
<td>96%</td>
<td>98%</td>
</tr>
<tr>
<td>Albert C. Lum (D)</td>
<td>CA–30</td>
<td>1992</td>
<td>263</td>
<td>$172,588</td>
<td>86%</td>
<td>96%</td>
</tr>
<tr>
<td>Name</td>
<td>District</td>
<td>Year</td>
<td>Votes</td>
<td>Contributions</td>
<td>Income</td>
<td>Percentage</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------</td>
<td>------</td>
<td>-------</td>
<td>---------------</td>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>Elsa Cheung (R)</td>
<td>CA–8</td>
<td>1994</td>
<td>13</td>
<td>$5,000</td>
<td>92%</td>
<td>85%</td>
</tr>
<tr>
<td>Doris Liu (R)</td>
<td>CA–15</td>
<td>1994</td>
<td>3</td>
<td>$1,750</td>
<td>33%</td>
<td>33%</td>
</tr>
<tr>
<td>Matt Fong (R)</td>
<td>CA–Senate</td>
<td>1998</td>
<td>11,171</td>
<td>$7,995,453</td>
<td>27%</td>
<td>89%</td>
</tr>
<tr>
<td>Jesse Chiang (I)</td>
<td>WA–Senate</td>
<td>1982</td>
<td>1</td>
<td>$500</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Soleng Tom (D)</td>
<td>AZ–5</td>
<td>1982</td>
<td>4</td>
<td>$3,000</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>S.B. Woo (D)</td>
<td>DE–Senate</td>
<td>1988</td>
<td>1287</td>
<td>$1,063,158</td>
<td>93%</td>
<td>93%</td>
</tr>
<tr>
<td>S.B. Woo (D)</td>
<td>DE–AL</td>
<td>1992</td>
<td>994</td>
<td>$485,366</td>
<td>93%</td>
<td>92%</td>
</tr>
<tr>
<td>Esther Lee Yao (R)</td>
<td>TX–25</td>
<td>1992</td>
<td>206</td>
<td>$108,732</td>
<td>91%</td>
<td>99%</td>
</tr>
<tr>
<td>Cheryl Lau (R)</td>
<td>NV–2</td>
<td>1996</td>
<td>168</td>
<td>$85,805</td>
<td>83%</td>
<td>96%</td>
</tr>
<tr>
<td>David Wu (D)</td>
<td>OR–1</td>
<td>1998</td>
<td>1388</td>
<td>$672,293</td>
<td>35%</td>
<td>92%</td>
</tr>
<tr>
<td>Japanese</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rose Ochi (D)</td>
<td>CA–30</td>
<td>1982</td>
<td>25</td>
<td>$17,500</td>
<td>84%</td>
<td>67%</td>
</tr>
<tr>
<td>Mark Takano (D)</td>
<td>CA–43</td>
<td>1992</td>
<td>137</td>
<td>$72,926</td>
<td>65%</td>
<td>82%</td>
</tr>
<tr>
<td>Mark Takano (D)</td>
<td>CA–43</td>
<td>1994</td>
<td>262</td>
<td>$120,405</td>
<td>53%</td>
<td>37%</td>
</tr>
<tr>
<td>Tom Shimizu (D)</td>
<td>UT–2</td>
<td>1986</td>
<td>99</td>
<td>$72,570</td>
<td>11%</td>
<td>91%</td>
</tr>
<tr>
<td>Glenn Sugiyama (D)</td>
<td>IL–9</td>
<td>1992</td>
<td>50</td>
<td>$28,851</td>
<td>28%</td>
<td>79%</td>
</tr>
<tr>
<td>Vietnamese</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Binh Ly (R)</td>
<td>FL–19</td>
<td>1994</td>
<td>31</td>
<td>$20,860</td>
<td>62%</td>
<td>89%</td>
</tr>
</tbody>
</table>
Tables 1 and 2 present a question of causality prevalent in electoral politics. Are Asian Indians unsuccessful because they cannot raise sufficient funds, or have they been unable to mount a credible campaign? It seems that an Asian Indian candidate who wishes to mount a serious campaign for federal office would need to raise money not only from the broader Asian American base (perhaps a natural constituency), but also from the general population. Based on the trend in contributions, the set of Asian Indian candidates appears mutually exclusive from the set of serious contenders for federal office. Perhaps this explains the lack of broader support in their base of financial contributions. On the other hand, the inability to court a larger electoral base could be the reason why no Asian Indian candidates have mounted a serious campaign. It is difficult to speculate on the origin or cause, although the pattern itself could not be clearer—a definite disjuncture between Asian Indians and other Asian American groups.

Although donations data indicate that Asian Indians prefer Democrats to Republicans, there is no bias for one party among Asian Indian candidates. Neither Republican nor Democratic candidates are able to acquire significant political donations outside the Asian Indian group. Moreover, the candidates are about evenly spread between the two major parties.

The type of district is also a factor in the patterns that we observe. There are districts in the West, the East, and the Midwest. The presence of Asian Indians and other minorities in these districts does not seem to be related to the contribution levels that we observe. There are only a handful of congressional districts that have a sizeable number of Asian Americans. A district with a population that is 9% Asian is a district with a relatively high concentration of Asian Americans. A district with a 1% Asian population is not unusual. Perhaps somewhat unexpectedly, the behavior of Asian Americans and Asian Indians in either a district with a relatively high proportion of Asian Americans, or one with a low proportion of Asian Americans, seems comparable.

Many of the effects that we might expect to observe are not borne out in the data. Instead, there is essentially only one clear and definite pattern that does not appear to be influenced by any other variables; Asian Indian candidates are


successful at courting only the Asian Indian constituency. They are completely unsuccessful (or perhaps uninterested) in tapping the support of the larger Asian American population base. Whether they are interested in securing this base is a separate matter and one which is outside the scope of these data.

B. BUILDING COALITIONS WITHIN AND ACROSS ETHNIC GROUPS

The challenges of achieving political cohesion within the Asian Indian community, is replicated on a broader scale in the difficulties that Asian Indians face in building inter-ethnic political cohesion across the broader Asian American community. In comparison to Chinese, Japanese, and Korean Americans, the Asian Indian group is somewhat of an anomaly. Previous research has indicated that Chinese, Japanese, and Korean campaign contributors are generally more favorable toward the Republican group. In contrast, the data for the Asian Indian group show that the Asian Indians appear to sit pretty squarely in the Democratic camp. Heterogeneity in political preferences between Asian Indians and other Asian ethnicities make it difficult for these subgroups to exhibit pan-ethnicity along political grounds. Moreover, the campaign finance data does not support the conclusion that a pan-ethnic identity is emerging. Instead, a nationalistic theme underlies the pattern of campaign contributions. Asian Indians collect the vast majority of their campaign contributions from within their own ethnic community, while failing to draw support from outside the Asian Indian community. Similarly, Chinese, Japanese and Korean candidates tend to raise funds within their own subgroups with few contributions from other subgroups.

Asian Americans need to demonstrate political cohesiveness in order to gain political strength through the provisions of the Voting Rights Act. However, heterogeneity in political preferences among Asian Americans may prove to be a barrier to gaining judicial relief under the Voting Rights Act. Even if a court accepted the political cohesiveness argument, the data indicates that significant challenges face the consolidation of Asian Americans into a powerful and unified bloc. Admittedly, the campaign finance data speak only to an elite group of individuals who have the capacity to donate capital to political causes, and not the larger Asian American group. However, despite the limited information, the data that does exist on voter registration or voters’ choices verify the Democratic leanings of the Asian Indian community.

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38 See Cho & Lad, supra note 23.
IV. ASIAN INDIANS AND THE ELECTORAL PROCESS

A. THE VOTING RIGHTS ACT

Voting rights legislation and anti-discrimination laws have a fairly lengthy history. However, prior to 1965, these measures were largely inefficient and ineffective in guaranteeing the right to vote for all citizens. This right, while constitutionally protected by the Fifteenth Amendment, was largely ignored by the states, which continued to practice *de jure* and *de facto* discrimination. Minority groups, predominantly African-Americans, were discouraged from voting through obstacles such as literacy tests, fitness of character tests, and poll taxes.

The Voting Rights Act of 1965 (“VRA”) is notable for its effectiveness in restoring the right to vote. What began as litigation initiated by the U.S. Department of Justice on behalf of African American citizens unsuccessfully attempting to vote, culminated in sweeping federal legislation. The Act effectively shifted the burden of proof from plaintiffs (voters), who claimed discrimination, to voting officials by requiring them to demonstrate not merely that the voting practices in question lacked a discriminatory purpose, but also lacked a discriminatory effect. The Act consisted of two major provisions: Section 2 created a cause of action for any "denial or abridgment" of the right to vote on the basis of race; Section 5 required that electoral jurisdictions with a history of discriminatory voting practices submit for approval by the U. S. Attorney General any proposed procedural changes with respect to voting. While Section

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41 See U.S. Const. Amend. XV, § 1. (“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”)


45 Alternatively, jurisdictions can seek approval from the U.S. District Court for the District of Columbia. See 42 U.S.C. 1973c.
Pan-ethnicity Revisited

5 is arguably the centerpiece of the Act, Section 2 provides the mechanism by which voters can seek redress through the drawing of voting districts.

B. SECTION 2, GINGLES AND BEYOND

Section 2 adheres closely to the language of the Fifteenth Amendment, and applies a nationwide prohibition on the denial or abridgment of the right to vote based on race or color. The Supreme Court initially adopted a narrow view of Section 2, requiring that plaintiffs, to mount a Fifteenth Amendment challenge, first establish that voting officials possessed a “racially discriminatory motivation” when adopting the electoral system in question.46 In 1982, Congress amended Section 2 of the Act to “provide minority groups a remedy for vote dilution without requiring a showing that the majority engaged in intentional discrimination.”47 In effect, Congress recast the inquiry of discrimination away from intent and towards outcome.48 This Section protects minority communities against dilution of their interests through redistricting,49 particularly by enabling the creation of majority-minority districts that would virtually ensure minorities the ability to elect a representative of their choice.50

In the seminal case, Thornburg v. Gingles, the Supreme Court affirmed the constitutionality of the 1982 amendments to the VRA. In interpreting Section 2, it outlined three conditions for creating a majority-minority district. First, the minority community must be sufficiently large and geographically compact to constitute a majority in a single-member district. Second, the minority group must demonstrate political cohesiveness. Third, the white majority must vote sufficiently as a bloc such that, in the absence of special circumstances such as a minority candidate running unopposed, it usually defeats the minority’s preferred candidate.51 Plaintiffs must satisfy each of these conditions,52 upon

52 See Overton v City of Austin, 871 F2d 529, 538 (5th Cir. 1989) (holding that “We need not address all of (the plaintiffs’) contentions, however, because failure to establish any single criterion of (Gingles) is fatal to their case.”), McNeil v Springfield Park Dist., 851 F2d 937, 942 (7th Cir. 1988) (ruling that “To pass the summary judgment threshold, . . . the Gingles preconditions (must be) met.”).
which the court decides whether relief will be granted under the Act. Although the test appears to present straightforward conditions, exactly what constitutes “cohesiveness” and “bloc voting” and how one might reliably measure these entities has been the subject of some debate. In the aftermath of Gingles, lower courts have differed on their interpretations of the three-pronged test.

Since Gingles, the Court has since qualified its position on the appropriate role of ethnicity on redistricting. In Shaw v. Reno, the Court held that a plaintiff may challenge a North Carolina reapportionment statute under the Equal Protection Clause by alleging that the legislation, although race-neutral on its face, unjustifiably separates voters into different districts on the basis of race. Shaw set the boundaries of permissible race-conscious districting, applying strict scrutiny when evaluating districts which are “highly irregular,” “tortured,” “bizarre,” and “irrational on its face.” The Court revisited the constitutionality of the same state reapportionment statute in Shaw v. Hunt, striking it down on grounds that the district was not narrowly drawn to meet a compelling state interest. Shaw left unanswered whether courts should apply strict scrutiny when generally evaluating race-conscious districts, an issue which the Court addressed in Miller v. Johnson.

In Miller, the Court announced for the first time that race cannot be the predominant factor motivating the drawing of the district. Courts, upon determining that racial considerations were the “predominant motive” for the

53 See Thornburg, 478 U.S. 30 at 43.
55 In Solomon v. Liberty County, 899 F.2d 1012 (11th Cir. 1990) (en banc) (5–4 decision) cert. denied, 498 U.S. 1023 (1991), a majority held that satisfying the three part Gingles test was sufficient to make a Section 2 claim, with the dissent requiring an additional showing of bias by the legislature or community. Conversely, in Brewer v. Ham, 876 F.2d 448, 452 (5th Cir. 1989), the court rejected total population data in favor of voting age population data to demonstrate, pursuant to Gingles, geographical compactness and numerical sufficiency constituting a majority in a single member district.
58 See id. at 652
drawing of a given district—irrespective of shape—would apply strict scrutiny. In that same term, the Court reinforced this principle in Bush v. Vera, striking down three majority-minority Congressional districts that it deemed were created primarily to increase African American and Hispanic voters.

While scholars have debated the doctrinal implications of Shaw and its progeny, there is a general consensus that these cases have created uncertainty over the efficacy of Section 2 and the Act itself.

C. ASIAN AMERICANS AND THE VOTING RIGHTS ACT

For Asian Americans, relief under the Voting Rights Act has always been a challenge. The legislation was crafted with African Americans in mind, and while the provisions are meant to apply to other minority groups, they clearly present a much higher bar for other minorities. For instance, Asian Americans have historically experienced difficulty fulfilling the first part of the Gingles test that requires a showing of sufficient size and geographic compactness. A claim may be made for a group that consists of more than one minority group, given that some courts have allowed the aggregation of different minority groups when applying the Gingles test. Given trends in population growth among Asian

61 See id.
67 Campos v. Baytown, 840 F.2d 1240, 1245 (5th Cir. 1988), cert. denied, 492 U.S. 905 (1989) (allowing African Americans and Hispanics in Texas to aggregate their votes on the basis of both groups experiencing political repression); But see Nixon v. Kent County, 76 F.3d 1381, 1387–90 (6th Cir 1996) (en banc) (prohibiting aggregation for African-Americans and Hispanics in Michigan, holding that neither the text nor legislative history of the Act, nor sound policy considerations supported this view). The Supreme Court has not yet explicitly ruled on this issue, but has implicitly allowed it. See Growe v. Emison, 507 US 25, 41 (1993) (“(a)ssuming (without deciding) that it was permissible for the District Court to combine distinct ethnic and language minority groups for purposes of assessing compliance with § 2”).
American groups, it is conceivable that Asian Americans might achieve a critical mass to enable them to satisfy the first threshold without aggregation. That scenario, however, remains some time in the indeterminate future. Until that time, Asian Americans may need to aggregate their numbers, both across subgroups and perhaps with other ethnic groups.

Notwithstanding the aggregation across different minority groups, plaintiffs must still demonstrate political cohesiveness across minority groups, a burden that Asian American plaintiffs have thus far been unable to satisfy. Clearly, cohesiveness may be a challenge because the Asian American group is comprised of many ethnicities and identities, whose development in the United States varies from one group to the next. Indeed, the concept of pan-ethnicity across the various ethnic groups that compromise the Asian American community has been the subject of debate.

Tables 1 and 2 support the view that, using political affiliation as a proxy, Asian American subgroups cannot be categorized as politically cohesive. Korean and Vietnamese candidates running for federal office are predominantly Republican, Japanese and Asian Indian candidates are predominantly Democrat, and Chinese candidates are evenly split. At the same time, each of these candidates, irrespective of political affiliation, receive most, if not all, of their contributors from their own subgroups, but little or none from other subgroups. Taken together, political cohesion across different Asian American groups is uneven at best when looking at political candidates, and very weak with respect to political contributions.

The third prong of the Gingles test also poses fundamental difficulties for the Asian American group. Historically, the racial divide has most often been characterized as dichotomous, with whites on one side and blacks on the other. How Asian Americans fit into this racial landscape is more ambiguous. A showing of racial bloc voting means that not only do Asian Americans band together as a cohesive unit, but the other voters unite to support an opposing candidate. Whites often reside in close proximity to Asian Americans, but it is not at all clear that the interests of Asian Americans and whites always

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68 See Campos, 840 F.2d at 453 (holding that the minority group consisting of African-Americans, Hispanics, and Asian-Americans were unable to show political cohesion for an at-large school district); Debaca v. County of San Diego, 794 F. Supp. 990, 998 (S.D.Cal. 1992) (concluding that the same ethnic groups were unable to show political cohesion for a county district).

significantly diverge.70 Hence, one critical question revolves around the pan-ethnic nature of the Asian American group, but even a satisfactory analysis of that component leaves us with other foundational and unresolved issues in a Voting Rights Act claim.

Thus, Asian Indians face dim prospects in seeking relief from the Voting Rights Act. Most significantly, the climate for any minority group pursuing a Section 2 claim is much less favorable in the aftermath of the Court’s decisions in Shaw and Miller. Should plaintiffs pass the three-part test set forth in Gingles, courts will scrutinize what they perceive as race-conscious districting. But this may be assuming too much. Asian Indians, like their Asian American counterparts, would have trouble surviving any part of Gingles. First, they lack the critical mass to constitute a majority in any single-member district. Courts would likely be wary of allowing them to aggregate their claim with other subgroups, at least other Asian American subgroups, given the variation in political affiliation within and across these groups. Lastly, it is not clear that the interests of Asian Indians sufficiently contrast with that of the white majority.

C. ACHIEVING POLITICAL EMPOWERMENT

It is important to note, however, that whether the pan-ethnic identity currently exists in some form, or whether it will exist (in the same form or a different form) in the future, are separate questions. Certainly, the lack of pan-ethnic identity now does not necessarily negate its formation in the future. As a population group, the Asian American group exploded onto the scene post-1965. Their large presence is, therefore, a recent occurrence, and it follows that the unfolding of this group is a phenomenon in the making. We can catch glimpses and clues about the future that will unravel, but should be fully aware that we are truly in the midst of the identity-formation process. The degree of pan-ethnicity that currently symbolizes the Asian American group then, is perhaps less important than the trends that are currently in play, and will define how the group emerges.

It is unclear what conditions might expedite the emergence of pan-ethnicity—different ethnic groups identifying themselves as a single bloc along political, social, or economic interests.71 David Lopez and Yen Espiritu cite structural factors such as common material concerns, class, generation, and geographic proximity as the key to the emergence and success of pan-ethnicity.72

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70 See e.g., Wendy K. Tam Cho & Bruce E. Cain, Asian Americans as the Median Voters: An Exploration of Attitudes and Voting Patterns on Ballot Initiatives, in ASIAN AMERICANS AND POLITICS: PERSPECTIVES, EXPERIENCES, PROSPECTS 133 (Gordon H. Chang, ed., 2001).
71 See YEN LE ESPRITU, supra note 7.
They claim that cultural similarities across ethnic groups are not as germane to the process. In this sense, they are arguing that the psychological processes will be put into play by events such as the Vincent Chin campaign. When, whether, and how often these events will occur is uncertain. While legal scholars have written about the role of Asian Americans in electoral politics and their relationship with other ethnic groups, the issue of intra-racial politics in the Asian American community remains relatively unexplored.

At the same time, to complicate matters, the composition of the various Asian American ethnic groups has been in a state of rapid flux. The most notable changes have been the rise in general socio-economic indicators and the shifting of the population group from one that can be characterized as predominantly

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73 In 1982, Vincent Chin was a Chinese-American engineer living in Detroit who was killed by two Caucasian men who worked at the Chrysler auto plant; some groups, including the Asian American community, believe the homicide was racially motivated. For a detailed description of this event, see Shiela A. Bedi, The Constructed Identities of Asian and African-Americans: A Story of Two Races and the Criminal Justice System, 19 HARV. BLACKLETTER L. J. 181, 195–97 (2003).

74 Interestingly, Lopez and Espiritu primarily examine the Asian Indian group in isolation from the broader Asian American group. They cite that the Asian Indian group is strongly divided by factors such as religion and lingering caste and clan divisions. They also acknowledge the recent arrival and change in these groups and note that the drive toward pan-ethnicity is led by the more established groups with smaller recent immigrant groups (such as Asian Indians) following.


native-born, to one that is now predominantly foreign-born. Socio-economic indicators, as well, change as the character of the population evolves. This volatility must be considered in an assessment of the potential rise or decline in pan-ethnic identity.

Given the limited applicability of the Voting Rights Act for their group, the decision of Asian Indians to run for office themselves may be their best strategic move. Elected office also represents their best chance at having their interests represented, particularly for issues unique to their ethnic group. The irony is that their small population, one of the factors that undermines their Section 2 claim, also weakens their chances of electing Asian Indian candidates. At the federal level, Asian Indian candidates draw financial support from their ethnic group, but appear largely unable to draw support from a broader base, even among other Asian American groups. This trend likely recurs for state, as well as many local elections. The strategy of running for high-level positions is certainly high risk; many of these candidates are running with little or no experience in electoral politics. At the same time, it is also high reward; the election of even a single Asian Indian candidate could bring attention to issues of interest to the ethnic group. While they have been unsuccessful in electing anyone to federal office over the past forty years, Asian Indians have made significant strides in local and state elections, and are making credible runs at higher ranking state elected positions.

V. CONCLUSION

Certainly, the emergence of any form of Asian American politics will be a gradual and evolutionary process. It is also a process that the courts could speed along or hinder, primarily through provisions of the Voting Rights Act. The direction of the courts will be determined by a number of factors, each of which remains volatile. Since the arrival of Asians to the United States is a relatively recent phenomenon, the immigrant group is still largely navigating an economic, political, and social environment that stands in stark contrast to the one from which they came. How these events will play out is left to be seen. Some will certainly attain secure social and economic stability, and this may turn attention to advancement through the political process.

For Asian Americans, their participation in the political process naturally raises the notion of pan-ethnicity. As a conglomerate of a large number of different ethnicities, the growth among Asian American subgroups—Chinese, Japanese, Korean, Filipino, Vietnamese, Asian Indian, Samoan, Guamanian,

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79 See Gittleman, supra note 24, discussing the campaign of Piyush “Bobby” Jindal, who narrowly lost in the Louisiana 2003 gubernatorial election.
Pan-ethnicity Revisited


Hmong, Cambodian, etc.—has brought visibility to the broader group as the fastest growing minority group in the United States. This growth in numbers creates a natural tension, where each subgroup balances their numerous common interests with those interests that may differ from those of other subgroups. Indeed, the ability of Asian Americans to use the Voting Rights Act as a mechanism for greater political empowerment is dependent upon exhibiting political cohesion among subgroups, at least until their numbers increase to the point where a given subgroup can exhibit a politically free-standing critical mass. Accordingly, as these differences subside with time, the notion of a powerful Asian American political group continues to loom. As future generations come of age, the cultural and historical divides begin to lessen for many of the groups. But again, the process is gradual, and as yet, incomplete.

However, the evidence provided here indicates that the lessening of these distinctions is less clear for Asian Indians and the broader Asian American group than for, say, the Chinese, Japanese, and Korean groups and the broader Asian American group. The challenges, whether imposed by the government or from within, are greater for Asian Indians. In some respects, the Asian Indian group may be, among the Asian ethnicities, one of the most ideally poised to enter the political arena. They have signaled a strong political presence with the large number of viable candidates and their campaign donations have no plateau in sight. At the same time, their political clout is still in the developmental stage. Notwithstanding their surge in population, they remain small in absolute numbers. This relative paucity translates into the electoral arena, where Asian Indians cannot yet make a credible claim for a majority-minority district. At the same time, they are more politically distinguishable from other Asian American subgroups and lean more strongly toward the Democratic party, making it difficult to develop political cohesion with these subgroups. In short, their identity appears to sit on the margins of the larger group, which makes the ability to survive the *Gingles* three-prong test difficult. Moreover, the Court’s interpretation of the Voting Rights Act in the last round of redistricting litigation has created a more difficult climate for Asian American claims. While the future remains unclear, the current writing on the wall suggests that Asian Indians may serve their interests best by pursuing political empowerment apart from the broader Asian American group. While the other Asian ethnicities are perhaps not as distinct, their fastest track to increasing political representation may lie along the same path.

81 For example, based on the 2000 Census, Asian Indians comprise no more than seven percent of the population of any congressional district. See [http://www.census.gov](http://www.census.gov), Census 2000, American Factfinder, TM-PCT005. Percent of Persons Who Are Asian Indian Alone.