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## Courting the South Asian Vote: One Step Forward, Two Steps Back

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## ARTICLES

### **COURTING THE SOUTH ASIAN VOTE: ONE STEP FORWARD, TWO STEPS BACK**

DEEPA IYER, ESQ. & PRIYA MURTHY, ESQ.\*

#### INTRODUCTION

The 2008 election was historically significant for a range of reasons: the first African-American President in United States history; the effective use of grassroots and internet-based efforts to mobilize voters; and an unprecedented turnout among youth, minority and new American voters. Post-election analysis has shown that minority and new American voters overwhelmingly supported now-President Barack Hussein Obama in the election. In fact, of the approximately eleven million Latinos who voted,<sup>1</sup>

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1 THE IMMIGR. POL'Y CENTER, THE NEW ELECTORAL LANDSCAPE AND WHAT IT MEANS FOR

about two-thirds preferred President Obama over Senator John McCain.<sup>2</sup> Exit polls show that President Obama also captured 96% of the African American vote and 63% of the Asian American vote.<sup>3</sup> Moreover, according to the American Muslim Taskforce on Civil Rights and Elections, 89% of Muslim voters preferred President Obama.<sup>4</sup> The 2008 election demonstrated the changing face of the new American electorate.

Given the history of disenfranchisement and marginalization that has plagued minority communities and new citizens in the United States, the significant involvement by minority voters in the 2008 election marked a watershed moment in the evolution of civic engagement by communities of color. This evolution can be traced to several factors, ranging from the development of a political consciousness in a post-September 11<sup>th</sup> world, to a belief in the need for changes in domestic and foreign policy, to the effectiveness of outreach strategies used by political parties that targeted the new electorate. Indeed, political parties and candidates recognized the influence of this growing voter pool. For example, in 2008, political parties courted the minority vote through in-language advertisements<sup>5</sup>, surrogates representing minority communities, and efforts that targeted outreach to voters of particular ethnic and racial backgrounds.<sup>6</sup>

While the outlook for increased political participation remains optimistic, a simultaneous process of “othering” of minority communities

IMMIGRATION REFORM: LATINOS, ASIANS, AND NEW AMERICANS REDEFINE 21<sup>ST</sup> CENTURY AMERICAN POLITICS (2008), [http://www.immigrationpolicy.org/images/File/specialreport/New\\_Electoral\\_Landscape\\_12\\_4\\_08.pdf](http://www.immigrationpolicy.org/images/File/specialreport/New_Electoral_Landscape_12_4_08.pdf). “Roughly 11 million [L]atinos voted in [the 2008 Presidential Election].” *Id.*

<sup>2</sup> *In Key States, Latino Vote Fueled Obama's Victory*, NY DAILY NEWS LATINO, Nov. 10, 2008, [http://www.nydailynews.com/latino/2008/11/10/2008-11-10\\_in\\_key\\_states\\_latino\\_vote\\_fueled\\_obamas.html](http://www.nydailynews.com/latino/2008/11/10/2008-11-10_in_key_states_latino_vote_fueled_obamas.html). A non-partisan group “estimate[d] that between 9.6 million and 11 million Hispanics voted in the [2008 Presidential] election.” *Id.*

<sup>3</sup> Can Tran, *Obama Propelled to Victory by Minority and Youth Vote, According to Exit Poll*, DIGITAL JOURNAL, Nov. 5, 2008, <http://www.digitaljournal.com/article/261998> (reporting the percentages of minority votes that went to each candidate); *Exit Polls: Obama Wins Big Among Young, Minority Voters*, CNN.COM, Nov. 4, 2008, <http://www.cnn.com/2008/POLITICS/11/04/ext.polls/index.html> (noting that “minorities went heavily into the Obama camp. Blacks, 96 percent Obama . . . and Asians, 63 percent Obama . . .”).

<sup>4</sup> Lorraine Ali, *Islam and Obama: American Muslims Overwhelmingly Voted Democratic*, NEWSWEEK, Nov. 7, 2008, <http://www.newsweek.com/id/168062> (“The American Muslim Task Force on Civil Rights and Elections released a poll today . . . and it revealed that 89 percent of [Muslim voters polled] voted for Obama . . .”).

<sup>5</sup> For example, regarding outreach within the Latino community, see ADAM J. SEGAL, “DEMOCRATIC CANDIDATES SPENT MILLIONS OF DOLLARS ON UNIVISION, TELEMUNDO STATIONS THIS YEAR,” available at <http://advanced.jhu.edu/media/files/government/Adam%20J%20Segal%20Hispanic%20Voter%20Project%20at%20Johns%20Hopkins%20University.pdf>; see also Gebe Martinez, *Spanish-language media key to victory with Latinos*, Politico.com, June 11, 2008, <http://www.politico.com/news/stories/0608/10983.html>.

<sup>6</sup> For example, during the 2008 presidential race, several outreach entities were established, including Asian Americans for Obama, Asian Americans for McCain, South Asians for Obama, and Indians for McCain.

continues to persist in the political sphere. This process of “othering” takes many forms. Historically, minority voters faced marginalization and disenfranchisement from the electoral process through the impact of poll taxes<sup>7</sup>, literacy tests,<sup>8</sup> and restrictions on naturalization by certain racial and ethnic groups.<sup>9</sup> Today, minority voters continue to face the impact of voter intimidation at the polls, illegal and arbitrarily enforced voter identification requirements, and other barriers.<sup>10</sup>

In this article, we present a case study of the pattern of “othering” faced by South Asian Americans in the United States by examining xenophobic rhetoric in political discourse. We argue that the rising trend of such rhetoric – which has increased since September 11, 2001 – positions South Asians as foreigners and outsiders who must often prove their loyalty to the United States. We assert that the contradictory messages presented to the community – on one hand, that we are important members of the voting electorate, and on the other hand, that we are outsiders and un-American – can limit the full and equal participation of South Asian Americans in the civic and political process.

The analysis and examples presented in this article are rooted in our work at South Asian Americans Leading Together (SAALT), a national, non-profit, non-partisan organization dedicated to ensuring that South Asians in the United States can fully and equally participate in civic and political life. SAALT’s civic engagement work has included voter protection, voter education, and the documentation of incidences of intolerant and xenophobic rhetoric in the political spectrum.

## I. THE SOUTH ASIAN COMMUNITY’S ROCKY PATH TO CITIZENSHIP

While the influence of the South Asian electorate has been gradually expanding and political parties have recently made concerted efforts to court the community’s vote, the road to the ballot box has been fraught with challenges and obstacles for South Asians living in the United States. Various naturalization policies in United States history that have denied eligibility for citizenship to minority communities have reinforced social perceptions about communities of color, including South Asians, as the

<sup>7</sup> See generally Bruce Ackerman & Jennifer Nou, *Canonizing the Civil Rights Revolution: The People and the Poll Tax*, 103 NW. U. L. REV. 63 (2009).

<sup>8</sup> For a general history of disenfranchisement in U.S. history, see THE VOTING RIGHTS ACT: SECURING THE BALLOT (Richard M. Vallely, ed., 2005).

<sup>9</sup> See generally Ian F. Haney, *White by Law: The Construction of Race* 27-34 (spec. ed., 2006).

<sup>10</sup> See generally ADVANCEMENT PROJECT, IN PURSUIT OF AN AFFIRMATIVE RIGHT TO VOTE (2008), <http://www.advancementproject.org/pdfs/RTV-Report-Final-Printed-Version.pdf>.

“other.” Even prior to the first significant wave of South Asian migration in the late 1800s, Congress enacted the Naturalization Act of 1790<sup>11</sup>, which limited citizenship to “free whites” of “good moral character” who met certain residency requirements.<sup>12</sup> In the years that followed, similar policies were enacted that greatly expanded restrictions imposed upon the ability to vote and attain citizenship.<sup>13</sup> Nearly one hundred years later, as a result of the ratification of the Fourteenth Amendment in 1865 and its interpretation in the seminal United States Supreme Court case *U.S. v. Wong Kim Ark*,<sup>14</sup> all individuals born in the United States, regardless of their parents’ nationality, would be considered American citizens.<sup>15</sup> However, these changes did not overrule the impact of the 1790 law and subsequent policies that barred immigrants who were born in South Asia from being able to naturalize.

During the latter part of the nineteenth century, the first significant wave of South Asians arrived in the United States, primarily Punjabi farmers from India who settled along the West Coast. At that time, while American-born South Asians could gain citizenship, those who were born abroad were still denied that right. This changed for the first time in the 1913 case of *In re Mozumdar*,<sup>16</sup> where the Federal District Court in Washington granted citizenship to an Indian-born individual based upon the argument that Indians were “Caucasians” who could be considered “white” and thus eligible for naturalization under existing laws.<sup>17</sup> Yet, Mr. Mozumdar’s status as a U.S. citizen was short-lived as the U.S. Supreme Court held in the 1923 case of *U.S. v. Bhagat Singh Thind*<sup>18</sup> that South Asians were ineligible for naturalization because they were not “white” as this term was interpreted “in accordance with the understanding of the

<sup>11</sup> The Naturalization Act of 1790, ch. 3, § 1 (repealed 1795).

<sup>12</sup> The Naturalization Act of 1790 § 1 (proscribing that “any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof. . .”).

<sup>13</sup> While the Naturalization Act of 1790 was repealed by the Act of January 29, 1795, many of its initial provisions limiting naturalization were re-enacted and expanded, including additional residency requirements. Similar subsequent laws included the Alien and Sedition Acts and the Naturalization Act of 1798.

<sup>14</sup> *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898).

<sup>15</sup> *Id.* at 693 (“The Fourteenth Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including all children here born of resident aliens”).

<sup>16</sup> *In re Mozumdar*, 207 F. 115 (E.D. Wash. 1913).

<sup>17</sup> *Id.* at 117. “[I]t is now settled, by the great weight of authority, at least, that it was the intention of Congress to confer the privilege of naturalization upon members of the Caucasian race only. It is likewise true that certain of the natives of India belong to that race.” *Id.* (citations omitted).

<sup>18</sup> *U.S. v. Bhagat Singh Thind*, 261 U.S. 204 (1923).

common man.”<sup>19</sup> In its decision, the U.S. Supreme Court validated social perceptions of South Asians and other immigrants as being different, foreign, and undesirable for integration within U.S. society. It was not until the Luce-Celler Act of 1946, which allowed naturalization for Indians, that the *Thind* decision was overturned. It would take nearly another twenty years until the passage of the Immigration and Nationality Act of 1952 (also known as the McCarran-Walter Act) when all race-based restrictions on citizenship were eliminated.<sup>20</sup>

## II. RECENT SOUTH ASIAN PARTICIPATION IN CIVIC AND POLITICAL LIFE

Notwithstanding the obstacles that South Asians have faced in terms of naturalization at the turn of the twentieth century, the community has become increasingly engaged in American civic and political life over the past four decades. With the second surge of South Asian immigration occurring post-1965, the community’s visibility and political maturity increased.

Today, South Asians are part of the growing pool of new voters in the United States. Three-quarters of the 2.7 million South Asians<sup>21</sup> who live in the United States are foreign-born.<sup>22</sup> While only one-third of Indians, Pakistanis, and Sri Lankans, and only one-fourth of Bangladeshis have become citizens, the percentages of naturalized and native-born citizens within the community are on the rise.<sup>23</sup> In fact, results from a 2004 exit poll of Asian American voters in metropolitan areas on the East Coast found that 88% of South Asian voters surveyed were born abroad and that 42% of South Asian voters were casting ballots for the first time.<sup>24</sup>

<sup>19</sup> *Id.* at 209.

<sup>20</sup> The Immigration and Nationality Act of 1952 § 311, 8 U.S.C. § 1422 (2000). “The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of race or sex or because such person is married.” *Id.*

<sup>21</sup> U.S. CENSUS BUREAU, AMERICAN COMMUNITY SURVEY 1-2 (2006), <http://www.census.gov/Press-Release/www/releases/archives/cb08ff-05.pdf> (estimating 2.7 million Asian Indians residing in the United States who either identify as “Asian Indian” only or are of that group in combination with one or more other groups or races).

<sup>22</sup> SOUTH ASIAN AMERICAN LEADING TOGETHER, DEMOGRAPHIC CHARACTERISTICS OF SOUTH ASIANS IN THE UNITED STATES: EMPHASIS ON POVERTY, GENDER, LANGUAGE ABILITY, AND IMMIGRATION STATUS 5 (2007), <http://www.saal.org/attachments/1/Demographic%20Characteristics%20of%20SA%20in%20US.pdf> (quantifying that 75% of “South Asians who live in the United States are foreign-born” based upon U.S. Census data).

<sup>23</sup> *Id.* at 5. “[O]nly about one-third of Indians, Pakistanis, and Sri Lankans are naturalized and only one-fourth of Bangladeshis have become U.S. citizens. However, the percentage of both naturalized and native-born citizens within the South Asian community is on the rise.” *Id.*

<sup>24</sup> ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, THE ASIAN AMERICAN VOTE 2004:

As the community has matured in the United States, South Asians have become involved in the civic and political process in many ways. Civic participation by South Asians has taken many forms, including naturalization and voting, running for elected office, serving on local governmental and educational commissions and committees, and becoming involved with the infrastructure of political campaigns. In addition, since 1965, South Asians have developed national and local organizations that include a political component. Early forms of such organizing focused on addressing foreign policy issues between the United States and South Asian nations.<sup>25</sup> Over the past two decades, organizations that focus on domestic policy issues and the needs of South Asian Americans and immigrants in the United States through a social justice framework have emerged, many of which have an inclusive and progressive agenda regarding civic and political participation.<sup>26</sup>

In recent years, political parties have had their eye on South Asians as a potential source of new, influential voters as well as gatekeepers to financial resources and campaign support. A new model of South Asian-centered political participation began to emerge in 2004, and matured with the 2008 elections. In the 2004 elections, South Asians for Kerry (SAKI) organized political fundraisers (including the first South Asian fundraiser to net \$1 million for a presidential candidate), phonebanking, and canvassing activities targeting South Asian communities around the country.<sup>27</sup> Non-partisan efforts, including the South Asian Progressive Action Collective (SAPAC) and South Asian American Voting Youth, also emerged to mobilize voters.<sup>28</sup>

A REPORT ON THE MULTILINGUAL EXIT POLL IN THE 2004 PRESIDENTIAL ELECTION 5, 7 (2005), [http://www.aaldef.org/articles/2005-04-20\\_67\\_TheAsianAmeric.pdf](http://www.aaldef.org/articles/2005-04-20_67_TheAsianAmeric.pdf).

<sup>25</sup> Such organizations include the National Federation of Indian Americans (NFIA), the Indian American Forum for Political Education (IAFPE), the Indian American Leadership Initiative (IALI) and U.S. India Political Action Committee (USINPAC); the Pakistani American Public Affairs Committee (PAKPAC); and the Pakistani American Leadership Center (PAL-C), among others.

<sup>26</sup> See generally SAALT.org, Meet the National Coalition of South Asian Organizations, <http://www.saalt.org/pages/Meet-the-National-Coalition.html> (last visited Apr. 27, 2009) ("In June 2008, 34 South Asian community organizations from 12 regions throughout the United States announced the formation of a National Coalition of South Asian Organizations. The Coalition also released a detailed action and policy agenda focused on nine key issue areas affecting local South Asian American communities. . . ."); see also "BUILDING COMMUNITY STRENGTH: A REPORT ABOUT COMMUNITY-BASED ORGANIZATIONS SERVING SOUTH ASIANS IN THE UNITED STATES," SOUTH ASIAN AMERICANS LEADING TOGETHER (2007), [http://www.saalt.org/attachments/1/saalt\\_report\\_low\\_res.pdf](http://www.saalt.org/attachments/1/saalt_report_low_res.pdf).

<sup>27</sup> Lavina Melwani, *No Beating About the Bush*, LITTLE INDIA, Aug. 5, 2004, <http://www.littleindia.com/news/148/ARTICLE/1520/2004-08-05.html> (describing the goals, actions and activities of South Asians for Kerry).

<sup>28</sup> SOUTH ASIANS IN THE 2004 ELECTIONS: A PRELIMINARY ANALYSIS OF TRENDS, PATTERNS, AND ATTITUDES, SOUTH ASIAN AMERICANS LEADING TOGETHER 3 (2005), [http://www.saalt.org/attachments/1/South\\_Asians\\_and\\_2004\\_Elections.pdf](http://www.saalt.org/attachments/1/South_Asians_and_2004_Elections.pdf). "Groups such as South

In the 2008 elections, South Asian political involvement reached unprecedented heights. South Asians engaged in voter registration and mobilization through non-partisan and partisan efforts. Organizations such as Desis Vote in Queens and SAPAC engaged in localized grassroots initiatives to ensure that South Asians would be able to exercise their right to vote.<sup>29</sup> In addition, South Asians served as prominent fundraisers and bundlers. In fact, at least twenty-one Indian American bundlers were identified as supporters of a range of presidential contenders, from Clinton and Obama to McCain and Romney.<sup>30</sup> South Asians also participated as delegates and superdelegates at the conventions of the Democratic and Republican parties, and imparted policy advice on domestic and foreign policy issues to the campaigns. In addition, the McCain and Obama campaigns sponsored outreach entities such as South Asians for Obama (SAFO), Indians for McCain and South Asians for McCain to engage in outreach and mobilization efforts focused on South Asian voters.

### III. XENOPHOBIC RHETORIC IN THE POLITICAL SPHERE TARGETING SOUTH ASIANS

Yet, even as South Asians are emerging as a visible and effective political force and broadly engaging in civic life, the community also faces a growing trend of xenophobic and racist rhetoric that could limit the exercise of its full potential. Like other immigrant communities and people of color, the South Asian community has also shouldered the burden of having to prove our loyalty and “American-ness.”<sup>31</sup> Public and elected

Asian American Voting Youth registered 25,000 new voters with the help of student coalitions . . . . In Chicago, organizations such as . . . the South Asian Progressive Action Coalition (SAPAC) participated in a broad city-wide immigrant outreach plan that registered nearly 3,000 South Asian voters.” *Id.*

<sup>29</sup> Ali Namji, *The Time is Right for the Desi Vote*, SAMAR, Feb. 25, 2008, <http://www.samarmagazine.org/archive/article.php?id=257> (“Desis Vote seeks to create a coalition of existing South Asian organizations and institutions in the New York area that can coordinate to pull together a substantial registration drive.”).

<sup>30</sup> Achal Mehra, *The Indian American Bundlers*, LITTLE INDIA, Jan. 10, 2008, <http://www.littleindia.com/news/177/ARTICLE/1984/2008-01-10.html>. An analysis of the 2008 Presidential campaign conducted by a public interest group “revealed 21 Indian American bundlers, almost half of whom work on behalf of Sen. Clinton. Sen. Obama has six Indian American bundlers, followed by two each for Sen. John Edwards and Gov[.] Mitt Romney and one for Sen. John McCain.” *Id.*

<sup>31</sup> Asian Americans in particular have confronted a range of stereotypes in the political sphere. One example stems from the 1996 campaign reform scandal, during which Asian businessmen were accused of making improper donations of soft money to the presidential campaign. During that time period, the *National Review* portrayed a cover entitled *The Manchurian Candidates*, depicting the Clintons as buck-toothed, slant-eyed Chinese peasants and Al Gore as a Buddhist monk. Asian American organizations raised concerns with the racist nature of the cover and its perpetuation of negative stereotypes about Asian Americans. See Francis X. Clines, *Caricature in the Age of Political Correctness*, N.Y. TIMES, Mar. 30, 1997, § 4, at 3, available at <http://www.nytimes.com/1997/03/30/>



figures have cast South Asians as outsiders accused of exerting foreign influence on American politics. Particularly since September 11, 2001, community members have witnessed a spike in rhetoric in the political sphere that promotes stereotypes of South Asians as criminals and terrorists. We examine two strands of xenophobic and racist rhetoric in relation to the South Asian community: one rooted in post-September 11<sup>th</sup> biases that perpetuate perceptions of South Asians as terrorists; and a second that broadly characterizes South Asians as different and disloyal. While both types of comments may use distinct language and imagery regarding the community, the effect on the public and on South Asians is similar.

#### IV. COMMENTS PERPETUATING POST-SEPTEMBER 11<sup>TH</sup> STEREOTYPES

In the wake of September 11, 2001, South Asian and Arab Americans around the country suffered the consequences of a backlash emanating from the general public, the media, and government policies and initiatives. This rising sentiment manifested itself in several forms, particularly against Muslims and Sikhs. The community witnessed a sharp increase in hate crimes and bias incidents, as well as the impact of government policies such as special registration (through the National Security Entry/Exit Registration System or NSEERS) and arbitrary detentions and deportations that targeted individuals of particular national origins and religious affiliations.

In fact, the Civil Rights Division of the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), and the U.S. Attorney's Office, have investigated over 800 incidents involving violence, threats, vandalism, and arson against Arabs, Muslims, Sikhs, and South Asians in the United States between September 11, 2001 and March 2007.<sup>32</sup> A spike in discrimination within the context of employment and public accommodations also occurred. At its peak, over 500 complaints of workplace-related discrimination, including the denial of the right to pray at work, were reported in 2005 to the Council of American-Islamic Relations.<sup>33</sup> A report

[weekinreview/caricature-in-the-age-of-political-correctness.html](http://www.weekinreview.com/caricature-in-the-age-of-political-correctness.html).

<sup>32</sup> U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, ENFORCEMENT AND OUTREACH FOLLOWING THE SEPTEMBER 11 TERRORIST ATTACKS (2007), <http://www.usdoj.gov/crt/legalinfo/discrimupdate.php>. "The Civil Rights Division [of the Department of Justice], the Federal Bureau of Investigation, and the United States Attorneys offices have investigated over 800 incidents since 9/11 involving violence, threats, vandalism and arson against Arab-Americans, Muslims, Sikhs, South-Asian Americans and other individuals perceived to be of Middle Eastern Origin." *Id.*

<sup>33</sup> COUNCIL ON AMERICAN-ISLAMIC RELATIONS, THE STATUS OF MUSLIM CIVIL RIGHTS IN THE UNITED STATES 12 (2006), <http://www.cair.com/PDF/2006-CAIR-Civil-Rights-Report.pdf>

on post-September 11<sup>th</sup> civil rights issues affecting Arabs, Muslims, and South Asians in New York City also found that 25% of respondents encountered public accommodations discrimination on the basis of ethnicity or religion.<sup>34</sup> In addition, government initiatives were implemented that selectively targeted South Asians and Arab Americans. For example, certain male nationals from predominantly Muslim and Arab countries, including Bangladesh and Pakistan, were forced to register with the Department of Justice (and later, the Department of Homeland Security), or else face potential immigration and criminal consequences through a program known as “special registration,” aspects of which remain to this day.<sup>35</sup>

With this context in mind, xenophobic comments made by elected and public officials that reinforce terrorism-related stereotypes can foster an environment condoning retaliation against South Asians and validate policies and public actions that discriminate against the community. An example of this occurred shortly after September 11<sup>th</sup> when former Representative John Cooksey from Louisiana stated that if “someone who comes in that’s got a diaper on his head and a fan belt wrapped around the diaper on his head, that guy needs to be pulled over.”<sup>36</sup> Representative Cooksey’s comments were harmful because they degraded religious symbols worn by Sikhs or Muslims and provided a clear image to the general public of whom he believed could or could not be trusted in America based upon their appearance or religion. His comments also signaled an approval of religious and racial profiling, a tactic that links suspicious behavior to individuals on the basis of religious or racial appearance unrelated to criminal conduct. Representative Cooksey’s comments were met with criticism from groups around the country, but he did not apologize for them.

(documenting that 501 civil rights claims based on discrimination in the workplace were filed by Muslims and reported to CAIR).

<sup>34</sup> NEW YORK CITY COMMISSION ON HUMAN RIGHTS, DISCRIMINATION AGAINST ARABS, MUSLIMS AND SOUTH ASIANS IN NEW YORK CITY SINCE 9/11 iii (2003), [http://www.nyc.gov/html/cchr/pdf/sur\\_report.pdf](http://www.nyc.gov/html/cchr/pdf/sur_report.pdf) (noting that 25% of the incidents of perceived discrimination reported by the survey’s Muslims, Arabs and South Asian respondents were discrimination in public accommodation).

<sup>35</sup> See, e.g., 68 Fed. Reg. 2,363 (Jan. 16, 2003) (requiring “certain nonimmigrant aliens to appear before, register with, and provide information to the Immigration and Naturalization Service”); 67 Fed. Reg. 40,581 (June 12, 2002) (declaring that “[r]ecent terrorist incidents have underscored the need to broaden the special registration requirements for nonimmigrant aliens from certain designated countries”); 67 Fed. Reg. 70,526 (Nov. 22, 2002) (“This Notice requires certain nonimmigrant aliens to appear before, register with, and provide requested information to the Immigration and Naturalization Service on or before January 10, 2003”).

<sup>36</sup> *U.S. Congressman Encourages Discrimination Against Muslims and Others*, IslamOnline.net, <http://www.islam-online.net/English/News/2001-09/21/article5.shtml> (last visited Apr. 27, 2009).

In another example, during an interview in September 2007, Representative Peter King from New York made the following statements about Islam: “Unfortunately, we have too many mosques in this country. There are too many people who are sympathetic to radical Islam. We should be looking at them more carefully. We should be finding out how we can infiltrate.”<sup>37</sup> He also went on to state: “I think there’s been a lack of full cooperation from too many people in the Muslim community. And it’s a real threat here in this country.”<sup>38</sup>

Statements such as these characterized the Muslim community as one that should be investigated in the name of national security. Further, singling out places of worship for heightened scrutiny and “infiltration” simply based on religion violates the civil rights of those who practice Islam. Given Representative King’s role as the ranking member of the Homeland Security Committee in the House of Representatives, such statements carry significant weight.

#### V. COMMENTS CHARACTERIZING SOUTH ASIANS AS THE “OTHER”

While incidents of intolerant rhetoric labeling South Asians as terrorists escalated following September 11<sup>th</sup>, xenophobic comments that played upon broader anti-immigrant sentiment and “fear of the foreigner” continued. In August 2006, former Virginia Senator George Allen’s comment aimed at a twenty-year-old South Asian staffer working for his opponent led to immediate criticism and national media attention. Senator Allen’s comments, made on the campaign trail before a predominantly Caucasian audience, were as follows: “Let’s give a warm welcome to Macaca here. Welcome to America and the real world of Virginia.”<sup>39</sup>

Senator Allen was roundly criticized for his remarks. The remarks implied that the South Asian staffer, despite the fact that he was born and raised in Virginia, does not belong in America because of his appearance and ethnic background. The use of the word “macaca” – confirmed as a racial slur in some parts of the world – only intensified the impact of Senator Allen’s remarks.<sup>40</sup> The incident struck a chord with many South Asians who recognized the implicit assumptions in Senator Allen’s

<sup>37</sup> YouTube.com, Rep. King: Too Many Mosques, [http://www.youtube.com/watch?v=HMydUdKtA\\_Q&](http://www.youtube.com/watch?v=HMydUdKtA_Q&) (last visited January 24, 2009).

<sup>38</sup> *Id.*

<sup>39</sup> Tim Craig & Michael D. Shear, *Allen Quip Provokes Outrage, Apology; Name Insults Webb Volunteer*, WASH. POST, Aug. 15, 2006, at A1.

<sup>40</sup> *Id.* (noting “macaca” is considered a racial slur in some European cultures).

statements – that individuals are not perceived or accepted as “American” based on their national origin, ethnicity or color. Senator Allen issued an apology to the South Asian staffer a week after the incident. In the interim, South Asians started petitions, donated funds to his opponent, and met with him to convey concerns.

Almost a year later, former Representative Bill Sali from Idaho attacked efforts to recognize pluralism in American society through his rhetoric. His remarks followed the momentous occasion of a prayer offered by a Hindu priest in July 2007 at the beginning of Senate proceedings. Former Representative Sali stated: “We have not only have a Hindu prayer being offered in the Senate, we have a Muslim member of the House of Representatives now, Keith Ellison from Minnesota.”<sup>41</sup> Former Representative Sali continued: “Those are changes – and they are not what was [sic] envisioned by the Founding Fathers.”<sup>42</sup> He went on to state that the United States was built on Christian principles and that when a Hindu prayer is offered to “a different god” it “creates problems for the longevity of this country.”<sup>43</sup> One of our country’s cornerstones is the freedom to practice religion without interference. Statements such as these from former Representative Sali promote the notion that diverse religions are not welcome in the United States, and could potentially foster bias incidents and discriminatory policies against religious and ethnic minorities.

In addition, a common nativist refrain has sought to portray South Asians as taking jobs away from Americans, particularly when the practice of outsourcing to South Asian and other Asian countries reached its peak.<sup>44</sup> Public perceptions about the nature and function of outsourcing have led to racism and bias against South Asians in the United States, who are often perceived to be connected with the layoffs and job losses that have in turn benefited South Asian countries.<sup>45</sup> Consequently, South Asians, both in the U.S. and abroad, felt the sting of racist comments and hatred relating to their association with the sub-continent and its participation in the outsourcing of labor for American companies.<sup>46</sup>

<sup>41</sup> Joseph L. Conn, *Holy War on the Hill*, AMERICANS UNITED, Sept. 2007, [http://www.au.org/site/News2?abbr=cs\\_&page=NewsArticle&id=9357](http://www.au.org/site/News2?abbr=cs_&page=NewsArticle&id=9357).

<sup>42</sup> *Id.*

<sup>43</sup> Shea Andersen, *Sali and the Muslims*, BOISE WEEKLY, Aug. 10, 2007, <http://www.boiseweekly.com/gyrobase/Content?oid=oid:278926>.

<sup>44</sup> See generally ADDRESSING AND RESPONDING TO BIAS RELATED TO OUTSOURCING, SOUTH ASIAN AMERICANS LEADING TOGETHER (2005), <http://www.saalt.org/attachments/1/Outsourcing%20Bias%20Report.pdf>; see also Rama Lakshmi, *India Call Centers Suffer Storm of 4-Letter Words*, WASH. POST, Feb. 26, 2005, at A22.

<sup>45</sup> See Addressing and Responding to Bias, *supra* note 44, at 1.

<sup>46</sup> *Id.*

As an example, in 2006, Illinois State Representative Bob Flider from the state's 101<sup>st</sup> District ran an election campaign ad that included a man in India, through an interpreter, saying the following about State Representative Flider's opponent, Dick Cain: "The big businesses that give Cain thousands of dollars employ many of us here in India. If Dick Cain is elected, that will continue."<sup>47</sup> The advertisement also included two Asian individuals making similar comments suggesting that voting for Cain would support their jobs abroad. The ad concluded with State Rep. Flider stating: "I'm Bob Flider. If you're tired of seeing thousands of local jobs being outsourced overseas, I hope you'll support me on November 7<sup>th</sup>."<sup>48</sup>

Many within the South Asian community expressed serious concern over the ad, which employed nativist tactics to criticize his opponent's alleged support of outsourcing. Using such political rhetoric is particularly dangerous because dissatisfaction and anxieties about the U.S. economy, coupled with misunderstandings about outsourcing itself, have led many to scapegoat South Asians and Asians as the reason for economic woes in America. Consequently, these communities have suffered racism and bias due to their association with their countries of origin.

## VI. INCIDENTS ARISING DURING THE 2008 PRESIDENTIAL ELECTION CYCLE

As discussed earlier, in the 2008 election the South Asian community participated at unprecedented levels in terms of turnout, voter mobilization, and campaign contributions. While the Democratic and Republican parties recognized the significant role that South Asians played in influencing the elections and embraced the support that the community provided, the presidential candidates of both parties also made remarks that perpetuated the foreignness of South Asians living in the United States.

For example, a memorandum released by the presidential campaign of then-Senator Barack Obama included references to former presidential candidate Senator Hillary Clinton and the Indian-American community's financial influence over her campaign. The document labeled Senator Clinton as "Hillary Clinton (D-Punjab)"<sup>49</sup> and discussed her "[p]ersonal,

<sup>47</sup> YouTube.com, Attack Ad Against Dick Cain, [http://www.youtube.com/watch?v=A7ybz\\_MnZAE](http://www.youtube.com/watch?v=A7ybz_MnZAE) (last visited Apr. 27, 2009).

<sup>48</sup> *Id.*

<sup>49</sup> Hillary Clinton (D-Punjab)'s Personal Financial and Political Ties to India, <http://graphics8.nytimes.com/packages/pdf/politics/memo1.pdf> (last visited Apr. 27, 2009).

[f]inancial, and [p]olitical [t]ies [w]ith India.”<sup>50</sup> It also implied that Senator Clinton’s financial support from the Indian-American community was of concern, and could lead to lost jobs or a weaker economy due to outsourcing.<sup>51</sup>

The memorandum from then-Senator Obama’s campaign troubled leaders in the community because it blamed Indian Americans for the outsourcing of jobs to abroad. In addition, labeling Senator Clinton as a representative of Punjab implied that she was being influenced by foreign entities, and that South Asians in the United States prioritized interests of their home countries over those of the United States. Then-Senator Obama’s campaign later apologized for the memo, stating that is “was not a memo that reflected [his] views or [his] attitudes, and didn’t reflect [his] long-standing friendship with the Indian-American community.”<sup>52</sup>

On the Republican side, in September 2007, former presidential candidate Senator John McCain remarked in an interview that the prospect of a Muslim candidate for President makes him uncomfortable. When asked whether a Muslim candidate would be able to lead the country, Senator McCain stated:

[S]ince this nation was founded primarily on Christian principles . . . . personally, I prefer someone who I know who has a solid grounding in my faith. But that doesn’t mean that I’m sure that someone who is Muslim would not make a good president. I don’t say that we would rule out under any circumstances someone of a different faith. I just would – I just feel that that’s an important part of our qualifications to lead.<sup>53</sup>

Senator McCain later attempted to clarify, stating: “I would vote for a Muslim if he or she was the candidate best able to lead the country and defend our political values.”<sup>54</sup> In a country with a booming immigrant population that is increasingly diverse in terms of religious affiliation, statements such as these can alienate those who do not practice Christianity. In addition, remarks about “a Muslim not being a good

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* “Hillary Clinton, who is the co-chair of the Senate India Caucus, has drawn criticism from anti-offshoring groups for her vocal support of Indian business and unwillingness to protect American jobs . . . . [she] has taken tens of thousands [of dollars] from companies that outsource jobs to India.” *Id.*

<sup>52</sup> Aziz Haniffa, *Exclusive: Obama: We Screwed Up*, REDIFF INDIA ABROAD, June 19, 2007, <http://ia.rediff.com/news/2007/jun/19aziz.htm>.

<sup>53</sup> Dan Gilgoff, *John McCain: Constitution Established a ‘Christian Nation,’* BELIEFNET, [http://www.beliefnet.com/story/220/story\\_22001\\_1.html](http://www.beliefnet.com/story/220/story_22001_1.html).

<sup>54</sup> Celeste Katz, *I Don’t Want Muslim Prez. McCain Says U.S. Based on Christian Principles*, DAILY NEWS, Sept. 29, 2007, at 6.

president” endorse the notion that those who practice non-Christian faiths have weaknesses and failings that render them unfit for political office.

Further, South Asians, and Muslims in particular, who strived to be visible supporters of presidential candidates, were occasionally perceived as a political liability. For example, at a June 2008 campaign rally in Detroit, Michigan, for Barack Obama, two Muslim women wearing hijabs were not allowed to sit in a “special section” behind the stage and podium. Hebba Aref was with her brother and his friends when they were approached by a campaign volunteer and asked if they would like to sit in the special section. Upon seeing Ms. Aref’s hijab, the volunteer revoked her invitation to the group, according to a friend of Ms. Aref’s, by stating: “because of the political climate and what’s going on in the world and what’s going on with Muslim Americans, it’s not good for [Aref] to be seen on TV or associated with Obama.”<sup>55</sup> Such actions could send the message that Muslims were not welcome as supporters within a campaign or in civic and political life based upon their appearance and their faith. Then-Senator Obama subsequently apologized to Ms. Aref stating that “[t]he actions of these volunteers were unacceptable and in no way reflect any policy of my campaign.”<sup>56</sup>

The above examples illustrate that while 2008 signified a hallmark year in terms of South Asian involvement in the electoral process, xenophobic sentiment against the community continues to pervade political rhetoric. However, it is also worth noting that the infrastructure established within a more politically mature community created mechanisms for South Asians to effectively elevate concerns and demand accountability among political candidates and public officials.

## VII. WHAT IS ON THE HORIZON?

Over the past ten years, South Asians have become increasingly involved with politics, not only by turning out at the polls and becoming an influential pool of voters, but also by seeking political office at the local, state and national levels. Examples include Piyush “Bobby” Jindal, current governor of the state of Louisiana and former South Asian member of Congress between 2005 and 2008; Saqib Ali, a Pakistani-American member of the Maryland House of Delegates; Upendra Chivukula, a

<sup>55</sup> Ben Smith, *Muslims Barred from Picture at Obama Event*, POLITICO, June 18, 2008, [http://www.politico.com/news/stories/0608/11168\\_Page2.html](http://www.politico.com/news/stories/0608/11168_Page2.html).

<sup>56</sup> *Obama Apologizes to Two Michigan Muslim Women*, MLIVE.COM, June 20, 2008, [http://www.mlive.com/news/index.ssf/2008/06/obama\\_personally\\_apologizes\\_to.html](http://www.mlive.com/news/index.ssf/2008/06/obama_personally_apologizes_to.html).

member of the New Jersey Assembly; Swati Dandekar, State Representative in Iowa of Indian descent who won a State Senate seat in 2008; and Nimrata “Nikki” Randhawa Haley, who was re-elected to the South Carolina House of Representatives in 2008.

Despite the visible rise of community members in various political arenas, the spate of xenophobic rhetoric has unfortunately extended to South Asian candidates seeking public office. For South Asians running for office, opposition rhetoric that is tinged with racism and xenophobia can have significant consequences for their campaigns.

For example, in October 2008, at a press conference held in St. Paul, Minnesota State Republican Party Chairman Ron Carey supported Erik Paulsen’s candidacy for a Congressional seat against his Indian-American opponent, Ashwin Madia. Mr. Carey made the comment that Paulsen “really fits the Third District so well, as one of them.”<sup>57</sup> When asked by a reporter if there were racial undertones to this statement, Mr. Carey replied that “Paulsen fits the district very well. People have to draw their own conclusions.”<sup>58</sup> He added that “from a demographic standpoint, Erik Paulsen fits the district very well.”<sup>59</sup> Such statements related to the “demographic fit” of a particular candidate can lead to the perception that an individual’s ethnicity or race is a factor for voters to consider during elections.<sup>60</sup> The use of such coded terminology sends the message that a candidate must look a certain way in order to resonate with voters. It also denies the heterogeneity that exists in the United States along various demographic lines.

That same month, the Republican National Congressional Committee ran a television advertisement<sup>61</sup> using still images of Mr. Madia that were,

<sup>57</sup> Chris Steller, *Madia Talks Economy, Opponent's Attacks in Wednesday News Conference*, MINN. INDEPENDENT, Oct. 1, 2008, <http://minnesotaindependent.com/11296/mmindy-video-madia-talks-economy-opponents-attacks-in-wednesday-press-conference>.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Indeed, in the 2008 presidential elections, statements linking now-President Obama with Islam and Arab Americans (including those emphasizing his middle name “Hussein”) implied that such affiliations would not be positive qualifications for the presidency. They sent the message that a candidate’s ethnic or religious background, whether actual or perceived, is a determinative factor regarding an individual’s capability to hold a particular office. More specifically, there is an underlying assumption running through many of these statements that by virtue of being a Muslim, an Arab, or having a “foreign” name, an individual is a terrorist and un-American. See Chad Livengood, *Caricature prompts racism allegations*, NEWSLEADER.COM, Oct. 10, 2008, available at <http://purepundit.com/2008/10/12/obama-caricature-prompts-racism-allegations/>; See also Jonathan Martin & Amie Parnes, *McCain: Obama not Arab, crowd boos*, POLITICO.COM, Oct. 10, 2008, <http://www.politico.com/news/stories/1008/14479.html>.

<sup>61</sup> YouTube.com, Ashwin Madia: Running to Raise Taxes, <http://www.youtube.com/watch?v=Q0iQCJ5VTXE> (last visited Jan. 24, 2009).



according to advertising experts, noticeably darker than the original versions.<sup>62</sup> South Asian community members raised concerns that the use of such image alteration and darkening techniques could trigger implicit negative stereotypes often held against those with darker skin tones.

Even South Asian candidates who won their particular electoral races have encountered racism and xenophobia during their political campaigns, whether from opponents or the general public. For example, in 2004, during her race for a seat in the South Carolina House of Representatives, Nikki Randhawa Haley's opponent, incumbent Larry Koon, derided her Sikh faith. Mr. Koon made a point of emphasizing her maiden name, in an attempt to portray her as "different."<sup>63</sup> In August 2006, Saqib Ali was running for a seat in the Maryland House of Delegates and was harassed by a man outside his home. The man sat outside Mr. Ali's home with a sign reading "Islam Sucks," and a shirt with the slogan: "This mind is an Allah-free zone."<sup>64</sup> Such actions can promote intolerant ideas and actions in the public's mind, and may encourage voters to decide not to support candidates of particular racial and religious backgrounds. It is worth noting that fears of such a backlash against President Barack Obama did not come to pass. However, for candidates seeking local or statewide office, the ability to counter efforts such as the ones referred to above might be limited.

## CONCLUSION

Xenophobic rhetoric made by elected officials and public figures at the local, statewide or national levels can lead to several consequences: it can chill civic and political participation by minority communities and new American voters; put community members in the position of proving their loyalty and "American-ness"; and send conflicting messages to the growing pool of new voters in today's diverse electorate.

While few would disagree that xenophobia, racism, and intolerance have no place in political and civic discourse, this case study demonstrates that a pattern of such rhetoric continues to exist. When xenophobia and racism

<sup>62</sup> *Id.*

<sup>63</sup> K.P. Nayar, *Goyle & Goyal In, But Madia Can't Make It*, THE TELEGRAPH, Nov. 5, 2008, [http://telegraphindia.com/1081106/jsp/nation/story\\_10070413.jsp](http://telegraphindia.com/1081106/jsp/nation/story_10070413.jsp) (explaining that "Haley faced a nasty campaign because Koon derided her Sikh faith and ethnicity and referred to her only by her maiden name, Randhawa, to emphasize that she was different").

<sup>64</sup> Ben Nuckols, *Man Mocks Muslim Candidate at His Home*, BOSTON.COM, Aug. 14, 2006, [http://www.boston.com/news/nation/articles/2006/08/14/man\\_mock\\_muslim\\_candidate\\_at\\_his\\_home/?rss\\_id=Boston.com+%2F+News](http://www.boston.com/news/nation/articles/2006/08/14/man_mock_muslim_candidate_at_his_home/?rss_id=Boston.com+%2F+News).

permeate the political sphere, there can be far-reaching consequences. Xenophobic rhetoric made by political and public figures can foster similar sentiments on the part of the public, and perpetuate misconceptions and stereotypes. It can also influence support for policies and practices that target or harm people of color and immigrants. And it can further feelings of marginalization and hamper political and civic participation on the part of immigrants and communities of color.

There are a variety of responses that community members and political figures can take to respond to the prevalence of xenophobic and insensitive rhetoric in the political environment. For example, community members can track, monitor, and report incidences of such rhetoric to political parties and organizations, such as SAALT. The media, through op-eds and letters to the editor, is also an effective arena for community members to raise concerns about intolerant rhetoric and express the need for accountability.<sup>65</sup> Political figures and candidates should also strive to proactively present an inclusive message that welcomes immigrant communities. As political systems begin to consider the influence of the growing electorate pool, it is important not to underestimate the chilling effects that xenophobic rhetoric can have on maintaining the full civic and political involvement of communities of color and new American voters.

<sup>65</sup> For tips and talking points on how to respond to xenophobic rhetoric, see COMMUNITY EDUCATION TOOLKIT ON DOCUMENTED INCIDENTS OF XENOPHOBIA AND INTOLERANCE IN POLITICAL DISCOURSE – PART III: TIPS FOR COMMUNITY MEMBERS RESPONDING TO XENOPHOBIC RHETORIC, SOUTH ASIAN AMERICANS LEADING TOGETHER (2008), [http://www.saalt.org/attachments/1/Xenophobia%20Community%20Response%20Tips%20\\_October%202008\\_.pdf](http://www.saalt.org/attachments/1/Xenophobia%20Community%20Response%20Tips%20_October%202008_.pdf).

